

SAN FRANCISCO PUBLIC LIBRARY



3 1223 06447 0322

5/5

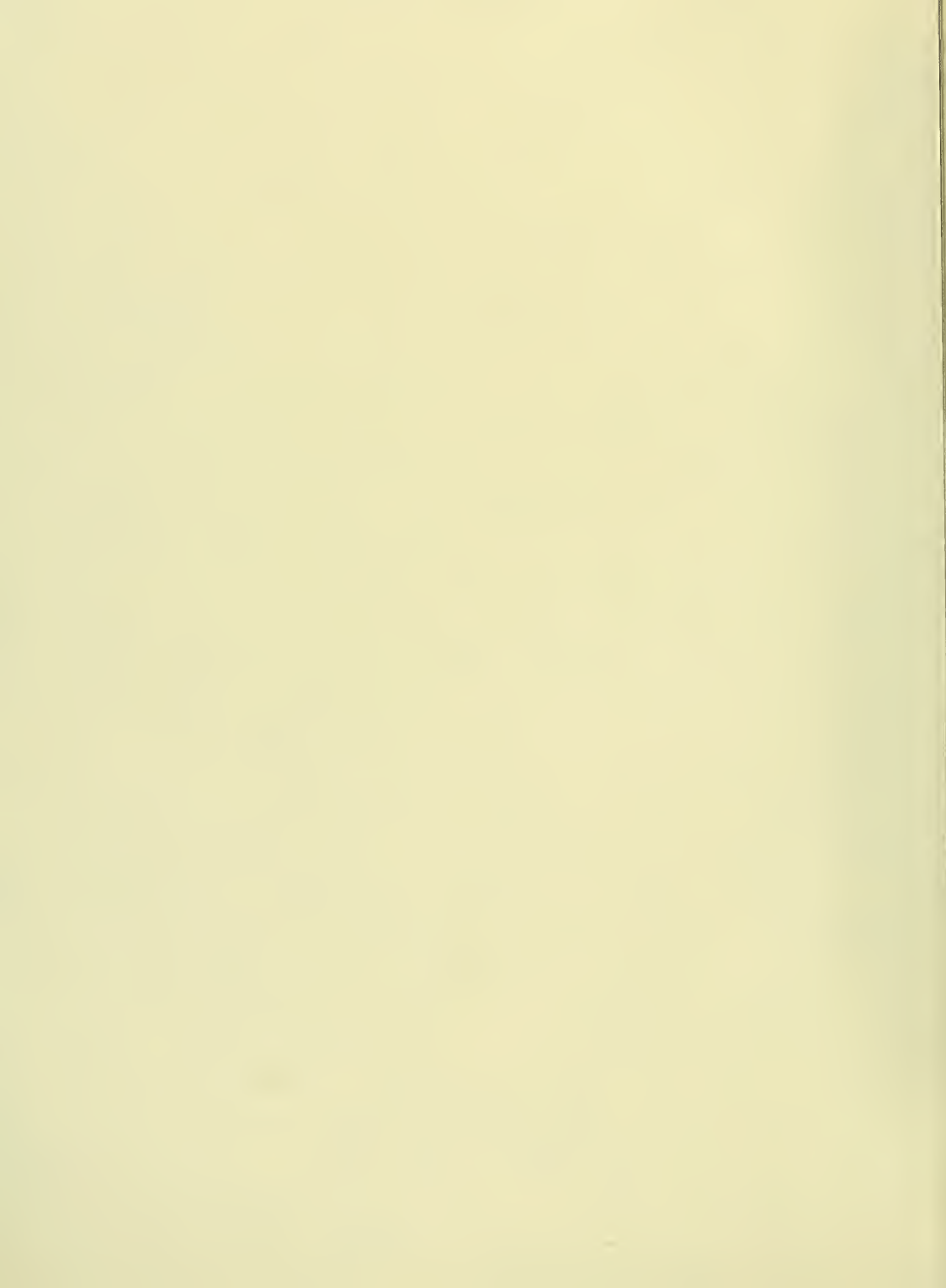


San Francisco Public Library

Government Information Center
San Francisco Public Library
100 Larkin Street, 5th Floor
San Francisco, CA 94102

REFERENCE BOOK

Not to be taken from the Library





City and County of San Francisco

Meeting Minutes

Rules Committee

Members: Tony Hall, Bevan Dufty and Matt Gonzalez

Clerk: Deborah Muccino

City Hall
1 Dr. Carlton B.
Goodlett Place
San Francisco, CA
94102-4689

Wednesday, February 19, 2003

9:30 AM

City Hall, Room 263

Regular Meeting

Members Present: Tony Hall, Bevan Dufty, Matt Gonzalez.

DOCUMENTS DEPT

FEB 20 2003

SAN FRANCISCO
PUBLIC LIBRARY

MEETING CONVENED

The meeting convened at 9:43 a.m.

021589 [Appointment]

Hearing to consider appointing one member to the Children and Families Trust Fund and Commission.

1 Seat Being Considered:

Vacant seat, succeeding Francisco Ramos-Gomez, Seat 8, shall represent one or more of the following: children services, public health services; behavioral health services, social services and tobacco and other substance abuse prevention and treatment services; recipients of project services included in the county strategic plan; educators specializing in early childhood development; representatives of a local child care resource or referral agency, the Child Care Planning and Advisory Council or another local child care coordinating group; representatives of a local organization for prevention or early intervention for families at risk; representatives of community-based organizations that have the goal of promoting and nurturing early childhood development; representatives of local school districts; and representatives of local medical, pediatric, or obstetric associations or societies, for a new four-year term ending April 29, 2006.

9/18/02, CONTINUED TO CALL OF THE CHAIR Divided from file No. 021546.

9/18/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

2/5/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

Heard in committee. Speakers: Norman Yee; Terry Giovanni; Linda Sardo; Female Speaker; Stephanie Hom. Appointment of Norman Yee, Seat 8 recommended.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Norman Yee, term ending April 29, 2006 to the Children and Families Trust Fund and Commission.

Norman Yee, succeeding Francisco Ramos-Gomez, term expired. Seat 8, shall represent one or more of the following: children services, public health services; behavioral health services, social services and tobacco and other substance abuse prevention and treatment services; recipients of project services included in the county strategic plan; educators specializing in early childhood development; representatives of a local child care resource or referral agency, the Child Care Planning and Advisory Council or another local child care coordinating group; representatives of a local organization for prevention or early intervention for families at risk; representatives of community-based organizations that have the goal of promoting and nurturing early childhood development; representatives of local school districts; and representatives of local medical, pediatric, or obstetric associations or societies; for the unexpired portion of a four-year term ending April 29, 2006.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030252 [Appointment]

Hearing to consider appointing one member to the Development Disabilities Board.

1 Seat Being Considered

Vacant seat, succeeding Theresa Gallegos, term expired, seat 1, represents general public, for the unexpired portion of a 3 year term ending December 31, 2004.

2/10/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Levi Nnaemeda; Female Speaker. Appointment of Levi Nnaemeda, seat 1, recommended.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Levi Nnaemeda, term ending December 31, 2004 to the Development Disabilities Board.

Levi Nnaemeda, succeeding Theresa Gallegos, term expired, seat 1, represents general public, for the unexpired portion of a 3 year term ending December 31, 2004.

RECOMMENDED.. by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 1 - Gonzalez

021639 [APPOINTMENT]

Hearing to consider appointing one member to the Safe Haven for Newborns Task Force.

1 Seat Being Considered:

Vacant Seat, new position, seat 1, must be a representative from the community with expertise in the area of domestic violence, for a new one-year term that expires on October 1, 2003.

9/24/02. RECEIVED AND ASSIGNED to Rules and Audits Committee.

2/5/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

Heard in committee. Speaker: Francine Braae. Appointment of Francine Braae, seat 1, recommended.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Francine Braae, term ending October 1, 2003, to the Safe Haven for Newborns Task Force.

Francine Braae, new position, seat 1, must be a representative from the community with expertise in the area of domestic violence, for the unexpired portion of a one-year term ending October 1, 2003.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030169 [Appointment]

Hearing to consider appointing two members to the Union Square Business Improvement District Advisory Board.

2 seats being considered

Vacant seat, succeeding Michael Cassidy, resigned, seat 2, must be property owners within the Business Improvement District for the unexpired portion of a 5 year term expiring June 30, 2004.

Vacant seat, succeeding Mark Heinzelman, deceased, seat 3, must be property owners within the Business Improvement District for the unexpired portion of a 5 year term expiring June 30, 2004.

1/28/03, RECEIVED AND ASSIGNED to Rules and Audits Committee.

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03

Heard in committee. Speaker: Leann Baughman, Executive Director, Union Square Improvement District; Female Speaker. Appointment of Joseph Berger, seat 2 and Steve Trent, seat 3 recommended.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Joseph Berger (residency requirement waived) and Steve Trent terms ending June 30, 2004, to the Union Square Business Improvement District Advisory Board.

Joseph Berger, (residency requirement waived) succeeding Michael Cassidy, resigned, seat 2, must be property owner within the Business Improvement District for the unexpired portion of a 5 year term expiring June 30, 2004.

Steve Trent, succeeding Mark Heinzelman, deceased, seat 3, must be property owner within the Business Improvement District for the unexpired portion of a 5 year term expiring June 30, 2004.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Duffy, Gonzalez

030174 [Appointment]

Hearing to consider appointing 9 members to the Health Authority.

9 Seats Being Considered

Vacant Seat succeeding Nathan Nayman, term expired, seat 2, must be a nominee of Hospital Council of Northern California for a 3 year term ending 1/15/06.

Vacant Seat succeeding Anthony Wagner, term expired, seat 3, must be Senior Manager of San Francisco General Hospital for a 3 year term ending 1/15/06.

Vacant Seat succeeding Jack Fries, term expired, seat 4, must be Senior Manager of St. Luke's Hospital, for a 3 year term ending 1/15/06.

Vacant Seat succeeding John Gressman, term expired, seat 5, must be an employee in the senior management of either private nonprofit community clinics or a community clinic consortium, nominated by the SF Community Clinic Consortium, or any successor organization, for a 3 year term ending 1/15/06.

Vacant Seat succeeding Randall Low, term expired, seat 7, must be physician, and nominee of SF Medical Society, or any successor organization, for a 3 year term ending 1/15/06.

Vacant Seat succeeding Robert Lull, term expired, seat 8, must be physician, and nominee of SF Medical Society, or any successor organization, for a 3 year term ending 1/15/06.

Vacant Seat succeeding Dale Butler, term expired, seat 9, must be nominee of SF Labor Council or any successor organization, for a 3 year term ending 1/15/06.

Vacant Seat succeeding Frederick Hobson, resigned, seat 11, must be a nominee of Health Authority Beneficiary Advisory Committee, at least one of whom shall at the time of appointment and during the person's term be a Medi-Cal beneficiary, for a 3 year term ending 1/15/06.

Vacant Seat succeeding Steve Fields, term expired, seat 12, must be a person knowledgeable in matters relating to either traditional safety net providers, health care organizations, the Medi-Cal program, or the activities of the health authority, nominated by the program committee of the health committee, for a 3 year term ending 1/15/06.

1/31/03, RECEIVED AND ASSIGNED to Rules and Audits Committee.

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

Heard in committee. Speakers: Jackie Oliveri, San Francisco Health Authority; Female Speaker. Appointment of John Gressman, seat 5; Robert Lull, seat 8 and Tracey Faulkner, seat 11 recommended. Seats 2, 3, 4, 7, 9 and 12 unfilled.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing John Gressman (residency requirement waived), Robert Lull and Tracey Faulkner terms ending January 15, 2006 to the Health Authority.

John Gressman (residency waiver required) succeeding himself, term expired, seat 5, must be an employee in the senior management of either private nonprofit community clinics or a community clinic consortium, nominated by the SF Community Clinic Consortium, or any successor organization, for a 3 year term ending 1/15/06.

Robert Lull succeeding himself, term expired, seat 8, must be physician, and nominee of SF Medical Society, or any successor organization, for a 3 year term ending 1/15/06.

Tracey Faulkner succeeding Frederick Hobson, resigned, seat 11, must be a nominee of Health Authority Beneficiary Advisory Committee, at least one of whom shall at the time of appointment and during the person's term be a Medi-Cal beneficiary, for a 3 year term ending 1/15/06.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030213 [Appointment]

Hearing to consider appointing one member to the Bay Area Governments Executive Board.

1 Seat Being Considered

Vacant seat, succeeding Supervisor McGoldrick, resigned, seat 2, must be a member of the Board of Supervisors, for the unexpired portion of 2 year term ending June 30, 2003.

2/3/03, RECEIVED AND ASSIGNED to Rules and Audits Committee.

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

Heard in committee. Speakers: None. Appointment of Matt Gonzalez, seat 2, recommended.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Supervisor Matt Gonzalez, term ending June 30, 2003 to the Association of Bay Area Governments Executive Board.

Supervisor Matt Gonzalez, succeeding Supervisor McGoldrick, resigned, seat 2, must be a member of the Board of Supervisors, for the unexpired portion of a 2 year term ending June 30, 2003.

Supervisor Gonzalez excused from the vote.

RECOMMENDED by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 1 - Gonzalez

030215 [Appointment]

Hearing to consider appointing one alternate member to the Association of Bay Area Governments Executive Board.

1 Seat Being Considered

Vacant Seat, succeeding Gavin Newsom, resigned, seat 6, alternate position in odd numbered years, must be a member of the Board of Supervisors, for the unexpired portion of a 2-year term ending June 30, 2004.

2/3/03, RECEIVED AND ASSIGNED to Rules and Audits Committee.

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

Heard in committee. Speakers: None. Appointment of Fiona Ma, seat 6, recommended.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Supervisor Fiona Ma, term ending June 30, 2004 to the Association of Bay Area Governments Executive Board.

Supervisor Fiona Ma, succeeding Supervisor Gavin Newsom, resigned, seat 6, alternate position in odd numbered years, must be a member of the Board of Supervisors, for the unexpired portion of a 2-year term ending June 30, 2004.

RECOMMENDED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

ADJOURNMENT

The meeting adjourned at 10:35 a.m.

70.84
23
4/21/0

F
70.84
3
1/26/03
CITY AND COUNTY



[Budget Analyst Report]
Susan Hom
OF SA Main Library-Govt. Doc. Section

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

February 20, 2003

TO: Rules Committee

FROM: Budget Analyst

SUBJECT: February 26, 2003 Rules Committee Meeting

Item 7 - File 02-0199

DOCUMENTS DEPT.

FEB 24 2003

SAN FRANCISCO
PUBLIC LIBRARY

Item:

Ordinance amending Sections 500, 530, and 550 of the San Francisco Administrative Code of the San Francisco Municipal Elections Code to require the Director of Elections to publish in the Voter Information Pamphlet: (1) a description of every elector's right to seek a writ of mandate or an injunction requiring any or all of the materials in the Voter Information Pamphlet to be amended or deleted, (2) a disclaimer at the beginning of each ballot measure argument and rebuttal authorized by the Board of Supervisors explaining which members of the Board of supervisors endorse, oppose or have taken no position on the measure; and (3) to clarify that when the Board of Supervisors authorizes a member or members of that body to submit a ballot measure argument or rebuttal, the Board of Supervisors shall do so by motion, and need not take any further action, including voting on or otherwise approving the actual text of the argument or rebuttal. However, the Board of Supervisors may take such further actions, such as voting on the actual text of the argument or rebuttal.

Description:

The proposed ordinance would amend the Municipal Elections Code to include a description of certain provisions of existing State laws, specifically California Elections Code Sections 9295 and 133140. These laws give citizens the right to file with the court, prior to the

publication of the Voter Information Pamphlet, a request for a hold (i.e., writ of mandate or an injunction) on the printing of the Voter Information Pamphlet if a citizen believes any information submitted for publication in the Voter Information Pamphlet is inaccurate. The court can then order changes to any or all of the materials submitted for publication in the Voter Information Pamphlet that the court determines to be inaccurate.

The proposed ordinance would also require that arguments, that the Board of Supervisors submit or authorize for the Voter Information Pamphlet, include a list of which members of the Board of Supervisors endorse, oppose, or have taken no position on the measure. The Board of Supervisors may submit as a body, or authorize one or more members, to submit arguments for or against any ballot measures. These arguments would then appear in the Voter Information Pamphlet. Currently, the Voter Information Pamphlet states that the arguments are authorized by the Board of Supervisors but the Voter Information Pamphlet does not indicate which members of the Board of Supervisors endorse, oppose, or have not taken a position on the applicable ballot measures.

Lastly, the proposed ordinance would add to the Municipal Elections Code language stating that when the Board of Supervisors authorizes a member or members of the Board of Supervisors to submit and sign an argument for or against any measure for publication in the Voter Information Pamphlet, the Board of Supervisors shall provide such authorization by motion and need not take any further action, including voting on or otherwise approving the actual text of the argument, before it is submitted for publication. However, the Board of Supervisors may take such further actions, if it chooses to do so, such as voting on the actual text of the argument or rebuttal.

Comments:

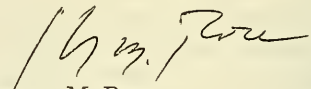
1. According to Mr. Chad Jacobs of the City Attorney's Office, the Municipal Elections Code is currently not clear regarding whether the Board of Supervisors must approve the actual text of a ballot argument before it is submitted

for publication by an authorized member or members of the Board of Supervisors. The proposed ordinance would clarify that once the Board of Supervisors authorizes a member or members of the Board of Supervisors to submit and sign an argument for or against any measure for publication in the Voter Information Pamphlet, no further action by the Board of Supervisors would be necessary.

2. The proposed ordinance would also allow members of the Board of Supervisors to advise the Department of Elections whether such members endorse, oppose, or have not taken a position on the ballot measure up to the date of publication of the Voter Information Pamphlet. According to Mr. John Arntz, Acting Director of the Department of Elections, submitting such information to the Department of Elections up to the date of publication of the Voter Information Pamphlet would create a burden for the Department of Elections because the Voter Information Pamphlet has been previously formatted for printing approximately 14 days prior to the publication date. Accordingly, Mr. Arntz recommends that Line 6 of the proposed ordinance be amended from "as of the date of publication" to "as of the deadline for submission of the ballot arguments," which according to Mr. Arntz is 17 days prior to the publication date of the Voter Information Pamphlet.

3. According to Mr. Arntz, the proposed ordinance would not create additional costs to the City for printing and distributing of the Voter Information Pamphlet if the ordinance were amended as described in Comment No. 2 above. However, Mr. Arntz states that if the proposed ordinance is not amended, as described in Comment No. 2, then the printing of the Voter Information Pamphlet could result in delays that would jeopardize timely printing and distribution of the Voter Information Pamphlet. Mr. Arntz advises that such delays would increase the printing costs in an amount that he is unable to quantify and, according to Mr. Arntz, such delays may jeopardize voters receiving the Voter Information Pamphlet with sufficient time to review the contents.

- Recommendations:**
1. In accordance with Comment No. 2 above, the Rules Committee may wish to consider an amendment to Line 6 to delete the words "as of the date of publication" and add the words "as of the deadline for submission of the ballot arguments" as recommended by the Acting Director of the Department of Elections.
 2. Approval of the proposed ordinance is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc: Supervisor Hall
Supervisor Dufty
President Gonzalez
Clerk of the Board
Controller
Ben Rosenfield
Ted Lakey



City and County of San Francisco

Meeting Minutes

Rules Committee

Members: Tony Hull, Bevan Duffy and Matt Gonzalez

Clerk: Deborah Muccino

City Hall
1 Dr. Carlton B.
Goodlett Place
San Francisco, CA
94102-4689

Wednesday, February 26, 2003

9:30 AM

City Hall, Room 263

Regular Meeting

Members Present: Tony Hall, Bevan Duffy, Matt Gonzalez.

MEETING CONVENED

The meeting convened at 9:42 a.m.

030188 [Confirming the re-appointment of Benny Yee to the San Francisco Redevelopment Agency]]

Mayor

Resolution confirming the re-appointment of Benny Yee to the San Francisco Redevelopment Agency for a four-year term ending September 3, 2006. (Mayor)

2/4/03, RECEIVED AND ASSIGNED to Rules and Audits Committee.

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

Heard in committee. Speakers: Benny Yee; Linda Richardson, Stephen Lee; Benjamin Lull; Armando Risidi; Mr. Lester; Joe Donoghue; Durf Butler; Male Speaker; Manreena Sekotano.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Duffy, Gonzalez

030189 [Confirming the appointment of Ben Hom to the San Francisco Port Commission]

Mayor

Resolution confirming the appointment of Ben Hom to the San Francisco Port Commission, for a four-year term ending May 1, 2006. (Mayor)

2/4/03, RECEIVED AND ASSIGNED to Rules and Audits Committee.

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

Heard in committee. Speakers: Ben Hom; Daniel Mitchell; D.J. Canapa, aide to Assemblyman Leland Yee. Willis Garriott; Daniel Hom; Stephen Goldstein; Harry Kim; George Fong; Doris Ward; Jim Fabris; Alice Lay; Richard Ow; Thomas Huey; William Tse; Adam Sparks; Durf Butler; Alexander Bacard; Joe Donaghiue; Mr. Lester; Mr. Borzoni; Mr. Yee; Leroy King; Martin Eber; Jonathan Bornstein; Jack Huey; Ted Lakey, Deputy City Attorney.

Supervisor Hall was excused from voting on this matter.

REFERRED WITHOUT RECOMMENDATION by the following vote:

Ayes: 2 - Duffy, Gonzalez

Absent: 1 - Hall

DOCUMENTS DEPT.

MAR - 3 2003

SAN FRANCISCO
PUBLIC LIBRARY

**030190 [Confirming the re-appointment of Leroy King to the San Francisco Redevelopment Agency]
Mayor**

Resolution confirming the re-appointment of Leroy King to the San Francisco Redevelopment Agency for a four-year term ending January 3, 2006. (Mayor)

2/4/03, RECEIVED AND ASSIGNED to Rules and Audits Committee.

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

Heard in committee. Speakers: Karin Carlson, Mayor's Office; Leroy King; Linda Richardson; Stephen Lee; Benjamin Lull; Armando Risidi; Mr. Lester; Joe Donoghue; Durf Butler; Walter Johnson; Maureena Sekotano.

2/26/03 Amend the title by deleting "January" and inserting "September". On page 1, line 9, delete "January" and insert "September".

AMENDED.

Resolution confirming the re-appointment of Leroy King to the San Francisco Redevelopment Agency for a four-year term ending September 3, 2006. (Mayor)

RECOMMENDED AS AMENDED.. by the following vote:

Ayes: 3 - Hall, Duffy, Gonzalez

**030191 [Confirming the re-appointment of Michael Hardeman to the San Francisco Port Commission]
Mayor**

Resolution confirming the appointment of Michael Hardeman to the San Francisco Port Commission for a four-year term ending May 1, 2006. (Mayor)

2/4/03, RECEIVED AND ASSIGNED to Rules and Audits Committee.

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

Heard in committee. Speakers: Michael Hardeman; Karin Carlson, Mayor's Office; Maurena Sekotano; Alexander Bacardy; Richard Ow; Harry Kim.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Duffy, Gonzalez

022027 [Conflict of Interest Code Amendments]

Ordinance amending sections 3.1-109, 3.1-110, 3.1-120, 3.1-135, 3.1-140, 3.1-145, 3.1-150, 3.1-155, 3.1-170, 3.1-175, 3.1-195, 3.1-230, 3.1-240, 3.1-245, 3.1-250, 3.1-260, 3.1-265, 3.1-270, 3.1-275, 3.1-310, 3.1-315, 3.1-320, 3.1-335, 3.1-345, 3.1-350, 3.1-360, 3.1-365, 3.1-375, 3.1-390, 3.1-395, 3.1-430, 3.1-435, and 3.1-445; deleting section 3.1-330 of the Campaign and Governmental Conduct Code; and adding section 3.1-169 to the Campaign and Governmental Conduct Code to update the list of designated employees who must file financial disclosure statements and to modify the applicable disclosure requirements. (Clerk of the Board)

12/16/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee. expires on 1/15/2003.

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

Heard in committee. Speakers: None.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 3 - Hall, Duffy, Gonzalez

**021272 [Charter Amendment Process]
Supervisor Hall**

Hearing on the potential revisions to the process of submitting Charter amendments to the voters of the City and County of San Francisco.

7/15/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

2/5/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

Heard in committee. Speakers: None.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 3 - Hall, Duffy, Gonzalez

**021996 [Voter Information Pamphlet Amendments]
Supervisor Gonzalez**

Ordinance amending sections 500, 530 and 550 of the San Francisco Municipal Elections Code to require the Director of Elections to publish in the Voter Information Pamphlet: (1) a description of every elector's right to seek a writ of mandate or an injunction requiring any or all of the materials in the Voter Information Pamphlet to be amended or deleted, and (2) a disclaimer at the beginning of each ballot measure argument and rebuttal authorized by the Board of Supervisors explaining which members of the Board of Supervisors endorse, oppose or have taken no position on the measure; and to clarify that when the Board of Supervisors authorizes a member or members of that body to submit a ballot measure argument or rebuttal, it shall do so by motion, and it need not take any further action, including voting on or otherwise approving the actual text of the argument or rebuttal.

12/9/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 1/8/2003.

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

Heard in committee. Speakers: Ted Lakey, Deputy City Attorney; Gloria L. Young, Clerk of the Board; John Arntz, Director of Elections.

2/26/03 Amendment of the Whole bearing same title.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

RECOMMENDED AS AMENDED by the following vote:

Ayes: 3 - Hall, Duffy, Gonzalez

**021311 [Court Collections performed by Treasurer's Office]
Supervisor Hall**

Hearing on the Memorandum of Understanding between the Treasurer/Tax Collector and the Trial Courts on the collection of delinquent fees.

7/22/02, RECEIVED AND ASSIGNED to Rules and Audits Committee

8/6/02, CONTINUED TO CALL OF THE CHAIR. Heard in committee. Speakers: Susan Leal, Treasurer; Gordon Parklyne, Chief Executive Officer of Court of San Francisco; Florence Maher, Treasurers office; Paul Slavnil, Traffic Commissioner, Civil Court.

2/5/03, TRANSFERRED to Finance and Audits Committee. New committee structure 2/17/03.

2/18/03, TRANSFERRED to Rules Committee.

Heard in committee. Speakers: Jay Banfield, Assistant Treasurer; Paul Slavin, Court Commissioner.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 3 - Hall, Duffy, Gonzalez

ADJOURNMENT

The meeting adjourned at 1:22 p.m.





City and County of San Francisco

Meeting Minutes Rules Committee

Members: Tony Hall, Bevan Dufty and Matt G

Clerk: Deborah Muccino

[All Committees]
Government Document Section
Main Library

Wednesday, March 05, 2003

9:30 AM

City Hall, Room 263

Regular Meeting

Members Present: Tony Hall, Bevan Dufty, Matt Gonzalez.

MEETING CONVENED

DOCUMENTS DEPT

MAR 10 2003

SAN FRANCISCO
PUBLIC LIBRARY

The meeting convened at 9:35 a.m.

030137 [Scheduling Items on Committee Consent Agendas]

Supervisors Ammiano, Peskin

Motion amending Rule 5.40 of the Rules of Order of the Board of Supervisors of the City and County of San Francisco to provide additional guidelines for scheduling items on consent agendas in Board Committee meetings.

1/27/03, RECEIVED AND ASSIGNED to Rules and Audits Committee.

1/31/03, REFERRED TO DEPARTMENT. Referred to Small Business Commission

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

2/18/03, RESPONSE RECEIVED.

Heard in committee. Speakers: Supervisor Ammiano; Ken Bruce, Budget Analyst's office; Ted Lakey, Deputy City Attorney.

3/5/03 Amended on page 2, line 7, after "only" delete "refund" and insert "involve", then on the same line after "monies" add "or reappropriate funds that have previously been appropriated by the Board of Supervisors." On page 3, line 4, after "meeting" add "If the Chair of the Committee, or a majority of the Committee members, determine that the continued consent agenda item requires expedited consideration by the Board of Supervisors, then the Committee may decide to report the item, without Committee recommendation, to the Board of Supervisors and request that the Budget Analyst's report on the item be delivered to the Board of Supervisors prior to the Board's consideration of the item." At the end of page 3, add a final item number 9 which states: "Other items that the Committee Chair and the Budget Analyst agree do not require a Budget Analyst's review and report."

AMENDED.

RECOMMENDED AS AMENDED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030281 [Appointment, Entertainment Commission]

Motion approving the Mayor's nomination for appointment of Michael Brown to the Entertainment Commission, term to be determined. (Mayor)

2/4/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: None.

Continued to March 19th.

CONTINUED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030282 [Appointment, Entertainment Commission]

Motion rejecting the Mayor's nomination for appointment of Michael Brown to the Entertainment Commission for the term to be determined. (Mayor)

2/4/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: None.

Continued to March 19th.

CONTINUED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030283 [Appointment, Entertainment Commission]

Motion approving the Mayor's nomination for appointment of Bowman Leong to the Entertainment Commission, term to be determined. (Mayor)

2/4/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: None.

Continued to March 19th.

CONTINUED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030284 [Appointment, Entertainment Commission]

Motion rejecting the Mayor's nomination for appointment of Bowman Leong to the Entertainment Commission for the term to be determined. (Mayor)

2/4/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: None.

Continued to March 19th.

CONTINUED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030285 [Appointment, Entertainment Commission]

Motion approving the Mayor's nomination for appointment of Jordan Schlain to the Entertainment Commission, term to be determined. (Mayor)

2/4/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: None.

Continued to March 19th.

CONTINUED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030286 [Appointment, Entertainment Commission]

Motion rejecting the Mayor's nomination for appointment of Jordan Schlain to the Entertainment Commission for the term to be determined. (Mayor)

2/4/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: None.

Continued to March 19th.

CONTINUED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030259 [Appointment]

Hearing to consider appointing three members to the Entertainment Commission.

3 Seats Being Considered

Vacant seat, new position, seat 1, shall represent the interests of City neighborhood associations or groups for a term to be determined.

Vacant seat, new position, seat 2, shall represent the interests of entertainment associations or groups for a term to be determined.

Vacant seat, new position, seat 3, shall represent the interests of the public health community for a term to be determined.

2/11/03, RECEIVED AND ASSIGNED to Rules and Audits Committee.

2/11/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

Heard in committee. Speakers: Jim Meko; Andrew Brother Elk; Terrance Alan; Tom Torrigilia; Veronika Cauley; Stephen Ellis; Erik Joseph Pred; Rod Gilchrist; John Wood, San Francisco Late Night Coalition, Mark Renne; Anthony Faber.

Appointment of Jim Meko, seat 1, Terrance Alan, seat 2, and Erik Joseph Pred, seat 3, recommended.

PREPARED IN COMMITTEE AS A MOTION.

Motion appointing Jim Meko, Terrance Alan and Erik Joseph Pred, terms to be determined, to the Entertainment Commission.

Jim Meko, new position, seat 1, shall represent the interests of City neighborhood associations or groups for a term to be determined.

Terrance Alan, new position, seat 2, shall represent the interests of entertainment associations or groups for a term to be determined.

Erik Joseph Pred, new position, seat 3, shall represent the interests of the public health community for a term to be determined.

RECOMMENDED., by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030198 [Status of Entertainment Commission]**Supervisors Peskin, Dufty**

Hearing to review the upcoming implementation of the San Francisco Entertainment Commission, as approved by voters in November 2002. This hearing will focus on the progress made by a working group of City departments that has recently been convened to complete tasks necessary to initiate the Commission. The hearing will also explore additional steps that must be taken to implement the Commission by July 2003.

2/4/03, RECEIVED AND ASSIGNED to Rules and Audits Committee.

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

Heard in committee. Speakers: Supervisor Peskin; John Wood, Late Night Coalition; Monique Zmuda, Deputy Controller. Male Speaker: Mark Renne; Sylvia Johnson.

FILED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

021545 [Appointments]

Hearing to consider appointing eleven (11) members to the Pedestrian Safety Advisory Committee.

11 seats being considered:

Vacant seat, new position, seat 1, must be a representative from a pedestrian safety organization, for a two-year term (ending date to be determined);

Vacant seat, new position, seat 2, must be a representative from a pedestrian safety organization, for a two-year term (ending date to be determined);

Vacant seat, new position, seat 3, must be a representative from a pedestrian safety organization, for a two-year term (ending date to be determined);

Vacant seat, new position, seat 4, must be a representative from a senior or disability organization, for a two-year term (ending date to be determined);

Vacant seat, new position, seat 5, must be a representative from a senior or disability organization, for a two-year term (ending date to be determined);

Vacant seat, new position, seat 6, must be a representative from a bicycle or other non-motorized wheeled personal transport organization, for a two-year term (ending date to be determined);

Vacant seat, new position, seat 7, must be a representative from a transit or environmental organization, for a two-year term (ending date to be determined);

Vacant seat, new position, seat 8, must be a representative from a child advocate or school support organization, for a two-year term (ending date to be determined);

Vacant seat, new position, seat 9, must be a representative from a public health organization, for a two-year term (ending date to be determined);

Vacant seat, new position, seat 10, must be a representative from the public at-large, for a two-year term (ending date to be determined);

Vacant seat, new position, seat 11, must be a representative from the public at-large, for a two-year term (ending date to be determined).

9/5/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

2/5/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

Heard in committee. Speakers: Jeanne Lynch; Shirley Bierly; Cheryl Brinkman; Pi Ra; Ken Kelton; Hilary Hann; Maureen Burke; Howard Strassner; Ed Franklin; Roger McKean Bazeley; Sharon Priest; Karen Cleek; Jose Ricardo Bondoc; Barbara Roos; Ms. Johnson; Jerry Threet, aide to Supervisor McGoldrick. Seats 5 and 8 divided and continued to April 9th. See file 030378.

DIVIDED.

Hearing to consider appointing nine (9) members to the Pedestrian Safety Advisory Committee.

9 seats being considered:

Vacant seat, new position, seat 1, must be a representative from a pedestrian safety organization, for a two-year term (ending date to be determined);

Vacant seat, new position, seat 2, must be a representative from a pedestrian safety organization, for a two-year term (ending date to be determined);

Vacant seat, new position, seat 3, must be a representative from a pedestrian safety organization, for a two-year term (ending date to be determined);

Vacant seat, new position, seat 4, must be a representative from a senior or disability organization, for a two-year term (ending date to be determined);

Vacant seat, new position, seat 6, must be a representative from a bicycle or other non-motorized wheeled personal transport organization, for a two-year term (ending date to be determined);

Vacant seat, new position, seat 7, must be a representative from a transit or environmental organization, for a two-year term (ending date to be determined);

Vacant seat, new position, seat 9, must be a representative from a public health organization, for a two-year term (ending date to be determined);

Vacant seat, new position, seat 10, must be a representative from the public at-large, for a two-year term (ending date to be determined);

Vacant seat, new position, seat 11, must be a representative from the public at-large, for a two-year term (ending date to be determined).

Appointment of Cheryl Brinkman, seat 1; Susan Vaughn, seat 2; Ken Kelton, seat 3; Jeanne Lynch, seat 4, Pi Ra, seat 6; Howard Strassner, seat 7; Shirley Bierly, seat 9; Ed Franklin, seat 10; Sharon Priest, seat 11 recommended.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Cheryl Brinkman, Susan Vaughn, Ken Kelton, Jeanne Lynch, Pi Ra, Howard Strassner, Shirley Bierly, Ed Franklin, and Sharon Priest, terms to be determined, to the Pedestrian Safety Advisory Committee.

Cheryl Brinkman, new position, seat 1, must be a representative from a pedestrian safety organization, for a two-year term (ending date to be determined);

Susan Vaughn, new position, seat 2, must be a representative from a pedestrian safety organization, for a two-year term (ending date to be determined);

Ken Kelton, new position, seat 3, must be a representative from a pedestrian safety organization, for a two-year term (ending date to be determined);

Jeanne Lynch, new position, seat 4, must be a representative from a senior or disability organization, for a two-year term (ending date to be determined);

Pi Ra, new position, seat 6, must be a representative from a bicycle or other non-motorized wheeled personal transport organization, for a two-year term (ending date to be determined);

Howard Strassner, new position, seat 7, must be a representative from a transit or environmental organization, for a two-year term (ending date to be determined);

Shirley Bierly, new position, seat 9, must be a representative from a public health organization, for a two-year term (ending date to be determined);

Ed Franklin, new position, seat 10, must be a representative from the public at-large, for a two-year term (ending date to be determined);

Sharon Priest, new position, seat 11, must be a representative from the public at-large, for a two-year term (ending date to be determined).

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030378 [Appointment]

Hearing to consider appointing two members to the Pedestrian Safety Advisory Committee.

2 Seats Being Considered

Vacant seat, new position, seat 5, must be a representative from a senior or disability organization, for a two-year term (ending date to be determined).

Vacant seat, new position, seat 8, must be a representative from a child advocate or school support organization, for a two-year term (ending date to be determined).

Divided from file 021545. Continued to April 9th.

CONTINUED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

ADJOURNMENT

The meeting adjourned at 2:55 p.m.



City and County of San Francisco

Meeting Minutes

Rules Committee

Members: Tony Hall, Bevan Duffy and Matt C

[All Committees]
Government Document Section
Main Library

Clerk: Deborah Muccino

Wednesday, March 12, 2003

9:30 AM

City Hall, Room 263

Regular Meeting

Members Present: Tony Hall, Matt Gonzalez.

Members Absent: Bevan Duffy.

MEETING CONVENED

The meeting convened at 9:34 a.m.

030257 [Appointment]

Hearing to consider appointing eight members to the Urban Forestry Council.

8 Seats Being Considered

Seat 1, new appointment, must be a representative of the University of California Cooperative Extension or a representative of another educational organization involved with tree management, for a new two-year term ending April 5, 2005;

Seat 2, new appointment, must be a representative of the tree management profession, for a new two-year term ending April 5, 2005;

Seat 3, new appointment, must be a representative of non-profit organizations involved in urban forestry or other environmentally-related issues, for a new two-year term ending April 5, 2005;

Seat 4, new appointment, must be a representative of non-profit organizations involved in urban forestry or other environmentally-related issues, for a new two-year term ending April 5, 2005;

Seat 5, new appointment, must be a representative of the Golden Gate National Recreation Area, for a new two-year term ending April 5, 2005;

Seat 6, new appointment, must be a representative of the community, for a new two-year term ending April 5, 2005;

Seat 7, new appointment, must be a representative of the community, for a new two-year term ending April 5, 2005;

Seat 8, new appointment, must be a representative of the community, for a new two-year term ending April 5, 2005.

2/11/03, RECEIVED AND ASSIGNED to Rules and Audits Committee.

2/11/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

Heard in committee. Speakers: Mark Westland, Department of the Environment; Larry Costello; Bonnie Fisher; Juan Carrasco; Martin Kutches; Carolyn Blair; Milton Marks; Steven Patton; Diana Cohen; Terry Milne; Linda Rude; Michael Sullivan; Sylvia Johnson.

Appointment of Larry Costello, seat 1; Bonnie Fisher, seat 2; Carolyn Blair, seat 3; Milton Marks III, seat 4; Michael Sullivan, seat 6; Juan Carrasco, seat 7; Diana Cohen, seat 8 recommended. Seat 5 unfilled.

PREPARED IN COMMITTEE AS A RESOLUTION.

DOCUMENTS DEPT.

MAR 13 2003

SAN FRANCISCO
PUBLIC LIBRARY

Resolution appointing Larry Costello, Bonnie Fisher, Carolyn Blair, Milton Marks III, Michael Sullivan, Juan Carrasco, and Diana Cohen terms ending April 5, 2005 to the Urban Forestry Council.

Larry Costello, new appointment, seat 1, must be a representative of the University of California Cooperative Extension or a representative of another educational organization involved with tree management, for a two-year term ending April 5, 2005;
Bonnie Fisher, new appointment, seat 2, must be a representative of the tree management profession, for a two-year term ending April 5, 2005;
Carolyn Blair, new appointment, seat 3, must be a representative of non-profit organizations involved in urban forestry or other environmentally-related issues, for a two-year term ending April 5, 2005;
Milton Marks III, new appointment, seat 4, must be a representative of non-profit organizations involved in urban forestry or other environmentally-related issues, for a two-year term ending April 5, 2005;
Michael Sullivan, new appointment, seat 6, must be a representative of the community, for a two-year term ending April 5, 2005;
Juan Carrasco, new appointment, seat 7, must be a representative of the community, for a two-year term ending April 5, 2005;
Diana Cohen, new appointment, seat 8, must be a representative of the community, for a two-year term ending April 5, 2005.

RECOMMENDED.. by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Duffy

**030075 [Requiring regular meetings of subordinate bodies created by the Board of Supervisors]
Supervisors Hall, Gonzalez**

Motion amending the Board of Supervisors' Rules of Order by adding Rule 2.27, to require the Board to include language providing for regular meetings when considering legislation creating subordinate bodies.

1/13/03, RECEIVED AND ASSIGNED to Rules and Audits Committee.

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

Heard in committee. Speakers: Gloria L. Young, Clerk of the Board; Ted Lakey, Deputy City Attorney.

3/12/03 Amended on page 1, line 21, after "requirement" by deleting "every such body ... (to the end of the paragraph) and replace with "The Clerk of the Board shall contact these bodies at the end of each year to determine if they have met at least once every four months. If more than four months pass without the body meeting, the Clerk shall ask the City Attorney to prepare legislation repealing the ordinance or resolution that created the body. Any legislation approving the creation of a new Board, committee, task force or other subordinate body, shall contain a sunset clause, which shall not exceed three years, subject to review and renewal by the Board of Supervisors. Prior to creating a new subordinate body, the Clerk of the Board shall advise the Board if there is a current body that addresses the same or a similar subject matter.

AMENDED.

Motion amending the Board of Supervisors Rules of Order by adding Rule 2.27, to require the Board to include language providing for regular meetings when considering legislation creating subordinate bodies.

RECOMMENDED AS AMENDED by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Duffy

030041 [Dissolving the Hazardous Materials Advisory Committee]**Supervisor Hall**

Ordinance amending the San Francisco Health Code by repealing Sections 1103 through 1103.2, and amending Section 1103.3, to dissolve the Hazardous Materials Advisory Committee.

1/13/03, RECEIVED AND ASSIGNED to Rules and Audits Committee.

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

Heard in committee. Speakers: None.

RECOMMENDED by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Duffy

030042 [Dissolving the Skating Advisory Committee]**Supervisor Hall**

Ordinance amending the San Francisco Administrative Code by repealing Sections 5.210 through 5.212, to dissolve the Skating Advisory Committee.

1/13/03, RECEIVED AND ASSIGNED to Rules and Audits Committee.

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

Heard in committee. Speakers: None.

RECOMMENDED by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Duffy

030043 [Dissolving the Clean Air Advisory Committee]**Supervisor Hall**

Ordinance amending the San Francisco Administrative Code by repealing Section 85.4 and by amending Section 85.10, to dissolve the Clean Air Advisory Committee.

1/13/03, RECEIVED AND ASSIGNED to Rules and Audits Committee.

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

Heard in committee. Speakers: None.

RECOMMENDED by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Duffy

030044 [Dissolving the Video Display Terminal Advisory Committee]**Supervisor Hall**

Ordinance amending the San Francisco Health Code by repealing Sections 1303 and 1306, to dissolve the Video Display Terminal Advisory Committee.

1/13/03, RECEIVED AND ASSIGNED to Rules and Audits Committee.

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

Heard in committee. Speakers: None.

RECOMMENDED by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Duffy

030049 [Dissolving the Long Term Care Pilot Project Task Force]**Supervisor Hall**

Resolution repealing Resolutions No. 1024-96 and 187-97, to dissolve the "Long Term Care Pilot Project Task Force."

1/13/03, RECEIVED AND ASSIGNED to Rules and Audits Committee.

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

Heard in committee. Speakers: None.

RECOMMENDED by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Dufty

030050 [Dissolving the Abandoned Shopping Cart Task Force]**Supervisor Hall**

Resolution repealing Resolutions Nos. 357-98 and 847-98, to dissolve the "Abandoned Shopping Cart Task Force."

1/13/03, RECEIVED AND ASSIGNED to Rules and Audits Committee.

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

Heard in committee. Speakers: None.

RECOMMENDED by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Dufty

030051 [Dissolving the Sutro Tower Health and Safety Task Force]**Supervisor Hall**

Resolution repealing Resolution No. 1068-99, to dissolve the "Sutro Tower Health and Safety Task Force."

1/13/03, RECEIVED AND ASSIGNED to Rules and Audits Committee.

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

Heard in committee. Speakers: None.

RECOMMENDED by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Dufty

030052 [Dissolving the Pedestrian Safety and Street Resurfacing Working Group]**Supervisor Hall**

Resolution repealing Resolution No. 564-01, to dissolve the "Pedestrian Safety and Street Resurfacing Working Group."

1/13/03, RECEIVED AND ASSIGNED to Rules and Audits Committee.

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

Heard in committee. Speakers: None.

RECOMMENDED by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Dufty

030053 [Dissolving the Mid-Income Housing Solutions Task Force]**Supervisor Hall**

Resolution repealing Resolution No. 721-01, to dissolve the "Mid-Income Housing Solutions Task Force."

1/13/03, RECEIVED AND ASSIGNED to Rules and Audits Committee.

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

Heard in committee. Speakers: None.

RECOMMENDED by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Dufty

030054 [Dissolving the Joint Board of Education/Board of Supervisors Digital Divide Task Force]**Supervisor Hall**

Resolution repealing Resolution No. 271-00, to dissolve the "Joint Board of Education/Board of Supervisors Digital Divide Task Force."

1/13/03, RECEIVED AND ASSIGNED to Rules and Audits Committee.

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

Heard in committee. Speakers: None.

RECOMMENDED by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Dufty

030055 [Dissolving the San Mateo County-City and County of San Francisco Task Force]**Supervisor Hall**

Resolution repealing Resolution No. 876-82, to dissolve the "San Mateo County-City and County of San Francisco Task Force."

1/13/03, RECEIVED AND ASSIGNED to Rules and Audits Committee.

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

Heard in committee. Speakers: Sean Elsbernd, aide to Supervisor Hall.

Continued to March 26, 2003.

CONTINUED by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Dufty

030056 [Dissolving the Airport Noise Committee]**Supervisor Hall**

Resolution repealing Resolutions No. 580-87 and 62-89, to dissolve the "Airport Noise Committee."

1/13/03, RECEIVED AND ASSIGNED to Rules and Audits Committee.

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

Heard in committee. Speakers: None.

RECOMMENDED by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Dufty

030057 [Dissolving the Citizens' Advisory Task Force for the Central Freeway]**Supervisor Hall**

Resolution repealing Resolutions Nos. 541-92, 1019-94 and 640-95, to dissolve the "Citizens' Advisory Task Force for the Central Freeway."

1/13/03, RECEIVED AND ASSIGNED to Rules and Audits Committee.

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

Heard in committee. Speakers: None.

RECOMMENDED by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Duffy

030150 [Dissolve Sustainable Funding for School Arts and Music Task Force]**Supervisor Hall**

Resolution repealing Resolution Nos. 1127-99 and 175-00, to dissolve the "Sustainable Funding for School Arts and Music Task Force."

1/27/03, RECEIVED AND ASSIGNED to Rules and Audits Committee.

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

Heard in committee. Speakers: None.

RECOMMENDED by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Duffy

030194 [Dissolving the Mayor's Criminal Justice Council]**Supervisor Hall**

Resolution repealing Resolutions Nos. 89-71, 286-71, 359-71, 360-71, 608-71, 14-72, 578-72, 510-73, 934-74, 126-77, 26-78, 704-78, 412-82, 345-89, and 414-89, to dissolve the "Mayor's Criminal Justice Council."

2/4/03, RECEIVED AND ASSIGNED to Rules and Audits Committee.

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

2/11/03, REFERRED TO DEPARTMENT. Referred to Youth Commission.

Heard in committee. Speakers: None.

Continued to March 26, 2003.

CONTINUED by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Duffy

LITIGATION

Conference with City Attorney

(Convene in Closed Session)

Motion that the Rules Committee of the Board of Supervisors convene in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) and Administrative Code Section 67.8 (3), for the purpose of conferring with, or receiving advice from, the City Attorney regarding proposed settlements in the lawsuits or claims listed below.

Unanimous vote to convene in closed session by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Duffy

030249 [Settlement of Lawsuit - Paul T. Hare]

Ordinance authorizing settlement of the lawsuit filed by Paul T. Hare against the City and County of San Francisco for \$125,000.00; the lawsuit was filed on January 28, 2002 in San Francisco Superior Court, Case No. 403-930; entitled Paul T. Hare v. City and County of San Francisco. (City Attorney)

(Public Benefit Recipient.)

2/19/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Ted Lakey, Deputy City Attorney.

RECOMMENDED.. by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Duffy

030322 [Settlement of Lawsuit - Maxuman Lamar Chenier]

Ordinance authorizing settlement of the lawsuit filed by Maxuman Lamar Chenier against the City and County of San Francisco for \$237,500; the lawsuit was filed on August 14, 2000 in San Francisco Superior Court, Case No. 314357; entitled Maxuman Lamar Chenier v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

2/25/03, RECEIVED AND ASSIGNED to Rules Committee.

*Heard in committee. Speakers: Ted Lakey, Deputy City Attorney; Stacey Lucas, Deputy City Attorney.
Continued to March 26, 2003.*

CONTINUED.

030323 [Settlement of Lawsuit - Stephen Sofos]

Ordinance authorizing settlement of the lawsuit filed by Stephen Sofos against the City and County of San Francisco for \$55,000; the lawsuit was filed on December 20, 2001 in San Francisco Superior Court, Case No. C-01-402658 entitled Stephen Sofos v. City and County of San Francisco, Terry Webster, James Sandridge, Jimmy Parrish, Horace Landers, Juvenal Villareal, et al. (City Attorney)

(Public Benefit Recipient.)

2/25/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Ted Lakey, Deputy City Attorney; Stacey Lucas, Deputy City Attorney.

RECOMMENDED.. by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Duffy

**030328 [Settlement of Unlitigated Claim]
Supervisor Hall**

Ordinance approving settlement of an unlitigated claim by the City and County of San Francisco, acting by and through its Airport Commission, against D. Mitchell Concessions, Inc., by approving a lease of two coffee facilities in the Domestic Terminals and the main restaurant in the International Terminal, to HMSHost Corporation, waiving the competitive solicitation requirement in San Francisco Administrative Code Section 2A.173, and authorizing the Airport Director to execute agreements in furtherance of the foregoing.
2/25/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Ted Lakey, Deputy City Attorney.

Continued to March 26, 2003.

CONTINUED by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Duffy

Report on Closed Session

Deputy City Attorney Ted Lakey reported that the Rules Committee has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) and Administrative Code Section 67.8 (3), for the purpose of conferring with, or receiving advice from, the City Attorney regarding settlements in the lawsuits or claims listed above.

[Elect Not to Disclose]

Motion that the Committee finds that it is in the best interest of the public that the Committee elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.

Unanimous vote not to disclose discussion to the public by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Duffy

ADJOURNMENT

The meeting adjourned at 12:03 p.m.



City and County of San Francisco

Meeting Minutes

Rules Committee

Members: Tony Hall, Bevan Dufty and Matt Gonzalez

City Hall
1 Dr. Carlton B.
Goodlett Place
San Francisco, CA
94102-4689

Clerk: Deborah Muccino

Wednesday, March 19, 2003

9:30 AM

City Hall, Room 263

Regular Meeting

Members Present: Tony Hall, Bevan Dufty, Matt Gonzalez.

MEETING CONVENED

The meeting convened at 9:40 p.m.

030173 [Appointment]

Hearing to consider appointing two members to the Veteran's Affairs Commission.

2 Seats Being Considered

Vacant Seat, succeeding Elizabeth Melnik, resigned, seat 4, must be an at-large appointment for the unexpired portion of a 4 year term ending 1/31/04.

Vacant Seat, succeeding Dietrich Falkenthal, resigned, seat 10, must be an at-large appointment for the unexpired portion of a 4 year term ending 1/31/06.

1/31/03, RECEIVED AND ASSIGNED to Rules and Audits Committee.

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

Heard in committee. Speakers: Wallace Levin; Edwin Wilkerson; Christopher Michel; Rene Pulianti; James Long; Michael Young; Sheryl Cook; Bud Robins; Arch Wilson; Sylvia Johnson.

Appointment of Christopher Michel, Seat 10, recommended. Seat 4 unfilled.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Christopher Michel, term ending January 31, 2006, to the Veterans Affairs Commission.

Christopher Michel, succeeding Dietrich Falkenthal, resigned, seat 10, must be an at-large appointment for the unexpired portion of a 4-year term ending January 31, 2006.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

DOCUMENTS DEPT.

MAR 21 2003

SAN FRANCISCO
PUBLIC LIBRARY

030281 [Appointment, Entertainment Commission]

Motion approving the Mayor's nomination for appointment of Michael Brown to the Entertainment Commission, term to be determined. (Mayor)

Section 4.117 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved.

Transmittal date -2/4/03

2/4/03, RECEIVED AND ASSIGNED to Rules Committee.

3/5/03, CONTINUED. Heard in committee. Speakers: None.
Continued to March 19th.

Heard in committee. Speaker: Karin Carlson.

FILED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030282 [Appointment, Entertainment Commission]

Motion rejecting the Mayor's nomination for appointment of Michael Brown to the Entertainment Commission for the term to be determined. (Mayor)

Section 4.117 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved.

Transmittal date -2/4/03

2/4/03, RECEIVED AND ASSIGNED to Rules Committee.

3/5/03, CONTINUED. Heard in committee. Speakers: None.
Continued to March 19th.

Heard in committee. Speaker: Karin Carlson.

FILED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030283 [Appointment, Entertainment Commission]

Motion approving the Mayor's nomination for appointment of Bowman Leong to the Entertainment Commission, term to be determined. (Mayor)

Section 4.117 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved.

Transmittal date -2/4/03

2/4/03, RECEIVED AND ASSIGNED to Rules Committee.

3/5/03, CONTINUED. Heard in committee. Speakers: None.
Continued to March 19th.

Heard in committee. Speaker: Karin Carlson.

FILED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030284 [Appointment, Entertainment Commission]

Motion rejecting the Mayor's nomination for appointment of Bowman Leong to the Entertainment Commission for the term to be determined. (Mayor)

Section 4.117 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved.

Transmittal date -2/4/03

2/4/03, RECEIVED AND ASSIGNED to Rules Committee.

3/5/03, CONTINUED. Heard in committee. Speakers: None.
Continued to March 19th.

Heard in committee. Speaker: Karin Carlson.

FILED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030285 [Appointment, Entertainment Commission]

Motion approving the Mayor's nomination for appointment of Jordan Schlain to the Entertainment Commission, term to be determined. (Mayor)

Section 4.117 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved.

Transmittal date -2/4/03

2/4/03, RECEIVED AND ASSIGNED to Rules Committee.

3/5/03, CONTINUED. Heard in committee. Speakers: None.
Continued to March 19th.

Heard in committee. Speaker: Karin Carlson.

FILED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030286 [Appointment, Entertainment Commission]

Motion rejecting the Mayor's nomination for appointment of Jordan Schlain to the Entertainment Commission for the term to be determined. (Mayor)

Section 4.117 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved.

Transmittal date -2/4/03

2/4/03, RECEIVED AND ASSIGNED to Rules Committee.

3/5/03, CONTINUED. Heard in committee. Speakers: None.
Continued to March 19th.

Heard in committee. Speaker: Karin Carlson.

FILED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030298 [Appointment]

Hearing to consider appointing eleven members to the Child Care Planning and Advisory Council.
Version

11 Seats Being Considered

Vacant seat, new position, seat 1, Must be a nominee of District 1 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative".

Vacant seat, new position, seat 2, Must be a nominee of District 2 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative".

Vacant seat, new position, seat 3, Must be a nominee of District 3 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative".

Vacant seat, new position, seat 4, Must be a nominee of District 4 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative".

Vacant seat, new position, seat 5, Must be a nominee of District 5 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative".

Vacant seat, new position, seat 6, Must be a nominee of District 6 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative".

Vacant seat, new position, seat 7, Must be a nominee of District 7 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative".

Vacant seat, new position, seat 8, Must be a nominee of District 8 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative".

Vacant seat, new position, seat 9, Must be a nominee of District 9 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative".

Vacant seat, new position, seat 10, Must be a nominee of District 10 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor

organizations and local organizations that fall within the definition of "Community representative".

Vacant seat, new position, seat 11, Must be a nominee of District 11 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative".

2/21/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Melinda Felice; Lisa Jaicks.

Appointment of Gwendolyn Henry, seat 1; Jean Van Keulen, seat 2; Marie Lee, seat 3; Lisa Jaicks, seat 4; Natalie Brutto seat 5; Chris Cleary, seat 6; Marie Luz Torre, seat 10; Sheila Norman, seat 11, recommended. Seats 7, 8, and 9 unfilled.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Gwendolyn Henry, Chris Cleary and Maria Luz Torre, terms ending December 31, 2004; Jean van Keulen and Natalie Brutto terms ending December 31, 2006; Marie Lee, Lisa Jaicks and Sheila Norman terms ending December 31, 2005 to the Child Care Planning and Advisory Council.
Version 2

Gwendolyn Henry, succeeding herself, seat 1, Must be a nominee of District 1 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative", for a 2-year term ending December 31, 2004.

Jean van Keulen, succeeding herself, seat 2, Must be a nominee of District 2 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative", for a 4-year term ending December 31, 2006.

Marie Lee, succeeding herself, seat 3, Must be a nominee of District 3 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative", for a 3-year term ending December 31, 2005.

Lisa Jaicks, new position, seat 4, Must be a nominee of District 4 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative", for a new 3-year term ending December 31, 2005.

Natalie Brutto, succeeding herself, seat 5, Must be a nominee of District 5 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative", for a 4-year term ending December 31, 2006.

Chris Cleary, succeeding herself, seat 6, Must be a nominee of District 6 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative", for a 2-year term ending December 31, 2004.

Maria Luz Torre, succeeding herself, seat 10, Must be a nominee of District 10 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative", for a 2-year term ending December 31, 2004.

Sheila Norman, succeeding herself, seat 11, Must be a nominee of District 11 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative", for a 3-year term ending December 31, 2005.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030170 [Appointment]

Hearing to consider appointing six members to the Local Homeless Coordinating Board.

6 seats being considered

Vacant seat, succeeding Jennifer Friedenbach, term expired, seat 4, must represent area of advocacy, for a two year term ending 5/15/04.

Vacant seat, succeeding Gail Gilman, term expired, seat 6, must be a service provider, for a two year term ending 5/15/04.

Vacant seat, succeeding Barry Hermanson, term expired, seat 8, must represent the business community, for a two year term ending 5/15/04.

Vacant seat, succeeding Laura Ware, term expired, seat 9, must represent education and/or training, for a two year term ending 5/15/04.

Vacant seat, succeeding Marcia Argyris, term expired, seat 10, must represent a foundation, for a two year term ending 5/15/04.

Vacant seat, new position, seat 11, must represent Labor, for a two year term ending 5/15/04.

1/28/03, RECEIVED AND ASSIGNED to Rules and Audits Committee.

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

Heard in committee. Speakers: Darrell Smaw, Mayor's Office of Homelessness; Jennifer Friedenbach; Steven Chester; John Kennedy, Deputy City Attorney; Stuart Berger; Leon Winston; Gail Gilman; Barry Hermanson; Marcia Argyris; John Wilson; Richard Robinson.

Continued to April 9, 2003.

CONTINUED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030292 [Appointment]

Hearing to consider appointing one member to the Peninsula Corridor Joint Powers Board.

1 Seat Being Considered

Vacant Seat, succeeding Sophie Maxwell, term expired, seat one, must be a member of the Board of Supervisors for the unexpired portion of a two year term ending June 30, 2004.

2/18/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: None.

Appointment of Supervisor Maxwell, seat one, recommended

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Supervisor Sophie Maxwell, term ending June 30, 2004 to the Peninsula Corridor Joint Powers Board.

Sophie Maxwell, succeeding herself, term expired, seat one, must be a member of the Board of Supervisors for the unexpired portion of a two year term ending June 30, 2004.

RECOMMENDED by the following vote:

Ayes: 2 - Dufty, Gonzalez

Absent: 1 - Hall

030034 [Campaign Finance Reform Amendments of 2003]**Supervisor Gonzalez**

Ordinance amending Article I, Chapter 1 of the Campaign and Governmental Conduct Code by amending sections 1.104, 1.114, and 1.148 to clarify and consolidate definitions; amending section 1.106 to clarify that State law is incorporated; amending section 1.108 to clarify that it applies only to candidates; amending section 1.110 to provide the Ethics Commission discretion to provide additional office hours prior to an election and to conform to minimum state law record retention periods; amending section 1.114 to apply contribution limits to affiliated entity contributions, to authorize the Ethics Commission to determine when contributions must be returned and to reduce or waive forfeiture penalties, and to clarify that limits apply to special elections; amending section 1.116 to extend loan limitations to candidates for all City elective offices and to authorize the Commission to adjust these amounts; amending section 1.122 to clarify that campaign funds may be used for officeholder expenses, to provide that certain surplus funds may be donated to charity, and that contributions transferred between a candidate's committees must be attributed to specific contributors; deleting section 1.124 on money laundering because the ordinance already incorporates state law provisions; amending section 1.128 to provide a penalty for violating an agreement to limit campaign spending; amending section 1.130 to clarify that expenditure ceilings apply in special elections and to reflect that spending limits have been adjusted for inflation; amending sections 1.134 and 1.152, deleting section 1.146 and adding a new section 1.135 to consolidate and harmonize provisions on lifting the spending limits; amending section 1.140 to correct cross-references, to require that candidates file a statement of intent to participate in public financing, to lower to \$5,000 the threshold for qualifying for public financing, and to provide additional time for qualifying for public financing, amending section 1.142 to require filing of statement of intent to participate in public financing program; amending section 1.150 to provide that repayment of public funds shall be made to the Ethics Commission, rather than the Controller, for deposit in the Election Campaign Fund; amending section 1.152 to conform language to other amended sections; amending sections 1.144 and 1.154 to extend the time for the Ethics Commission to determine whether pro-rata is required; amending section 1.162 to clarify that the notice provision applies only to mass mailings; amending section 1.163 to require recordkeeping for recorded telephone messages; amending section 1.164 to clarify references; amending section 1.168 to eliminate language suggesting that persons can obtain immunity if they do not receive a response to a request for advice within a specified period of time; amending section 1.170 to increase the penalties for violations of the Ordinance to \$5,000, to incorporate penalties described in section 1.172, and to clarify personal and joint and several liability; deleting section 1.172; and amending section 1.174 to clarify that the department of elections may decline to certify a nomination if a candidate fails to file a statement regarding acceptance or rejection of spending limits.

(No Public Benefit Recipient.)

1/27/03, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 2/26/2003.

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

Heard in committee. Speakers: Mike Garcia, Ethics Commission; Ginny Vida, Ethics Commission; Mabel Eng, Ethics Commission; Chad Jacobs; Deputy City Attorney; John Kennedy, Deputy City Attorney.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Duffy

022027 [Conflict of Interest Code Amendments]

Ordinance amending sections 3.1-109, 3.1-110, 3.1-120, 3.1-135, 3.1-140, 3.1-145, 3.1-150, 3.1-155, 3.1-170, 3.1-175, 3.1-195, 3.1-230, 3.1-240, 3.1-245, 3.1-250, 3.1-260, 3.1-265, 3.1-270, 3.1-275, 3.1-310, 3.1-315, 3.1-320, 3.1-335, 3.1-345, 3.1-350, 3.1-360, 3.1-365, 3.1-375, 3.1-390, 3.1-395, 3.1-430, 3.1-435, and 3.1-445; deleting section 3.1-330 of the Campaign and Governmental Conduct Code; and adding section 3.1-169 to the Campaign and Governmental Conduct Code to update the list of designated employees who must file financial disclosure statements and to modify the applicable disclosure requirements. (Clerk of the Board)

12/16/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 1/15/2003.

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

2/26/03, CONTINUED TO CALL OF THE CHAIR. Heard in committee. Speakers: None.

Heard in committee. Speakers: John Kennedy, Deputy City Attorney; Mark Westland, Department of the Environment.

3/19/03 Amendment of the whole bearing same title.

Continued to April 2, 2003.

AMENDED.

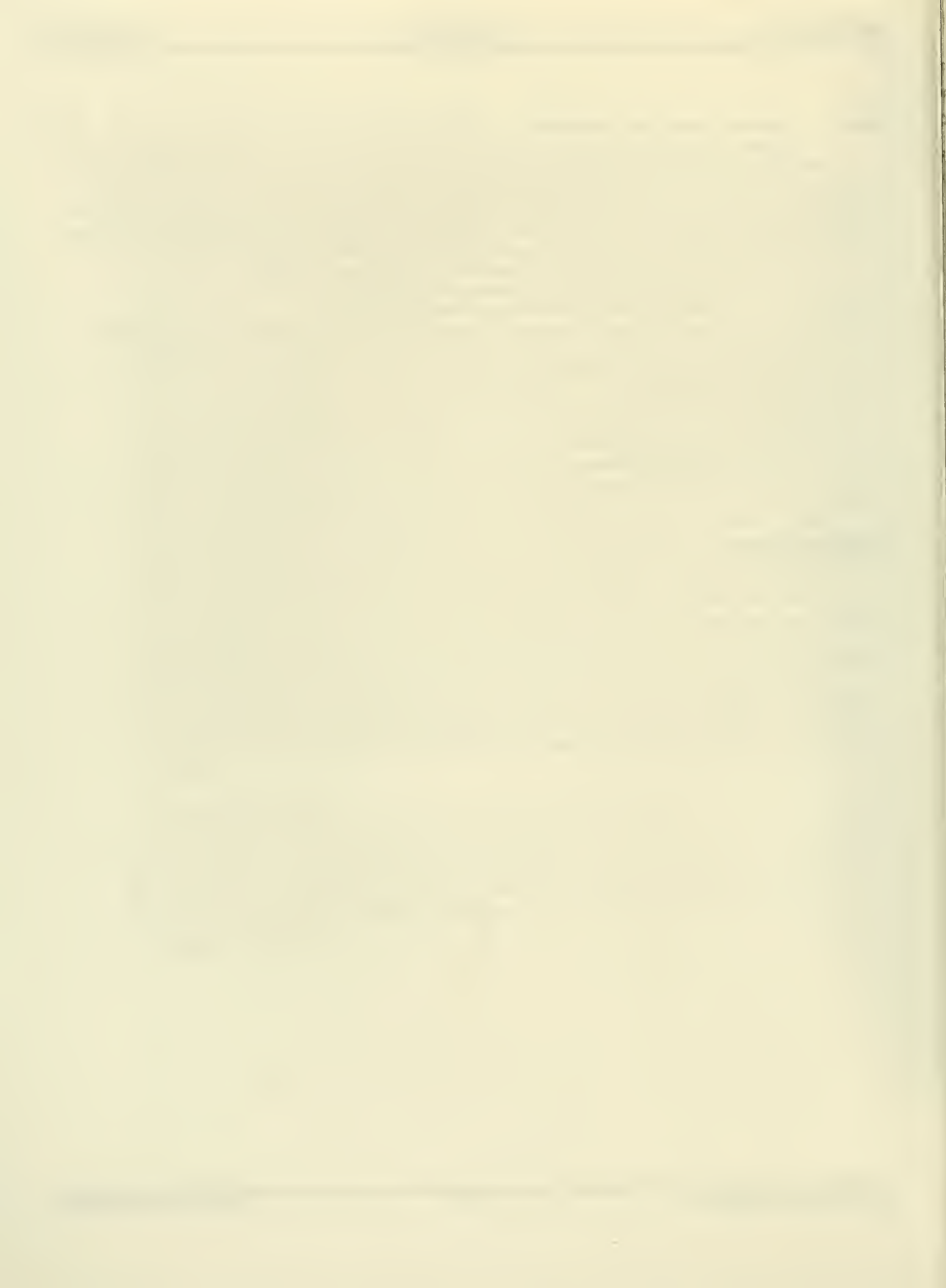
CONTINUED by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Dufty

ADJOURNMENT

The meeting adjourned at 1:35 p.m.





City and County of San Francisco

City Hall

Meeting Minutes

[All Committees]

Rules Committee

Government Document Section
Main Library

Members: Tony Hall, Bevan Dufty and Matt Gonzalez

Clerk: Deborah Muccino

Wednesday, March 26, 2003

9:30 AM

City Hall, Room 263

Regular Meeting

Members Present: Tony Hall, Bevan Dufty, Matt Gonzalez.

Meeting Convened

DOCUMENTS DEPT.

MAR 28 2003

SAN FRANCISCO
PUBLIC LIBRARY

The meeting convened at 9:39 a.m.

030385

[Appointment]

Hearing to consider appointing two members to the San Francisco Health Authority.

2 Seats Being Considered

Vacant seat, succeeding Randall Low, term expired, seat 7, must be a physician, and nominee of SF Medical Society or any successor organization for the unexpired portion of a 3-year term ending January 15, 2006.

Vacant seat, succeeding Jack Fries, term expired, seat 4, must be Senior Manager of St. Luke's Hospital for the unexpired portion of a 3-year term ending January 15, 2006.

3/7/03, RECEIVED AND ASSIGNED to Rules Committee.

3/17/03, CLERICAL CORRECTION. Added seat 4, succeeding Jack Fries, term expired January 15, 2003.

Heard in committee. Speaker: Jean Frasier, Health Authority.

Appointment of Randall Low, seat 7; John G. Williams, seat 4, recommended, residency requirement waived.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Randall Low and John G. Williams, terms ending January 15, 2006 to the San Francisco Health Authority. Residency requirement waived for John G. Williams.

Randall Low, term expired, seat 7, must be a physician, and nominee of SF Medical Society or any successor organization for the unexpired portion of a 3-year term ending January 15, 2006.

John G. Williams (residency requirement waived), succeeding Jack Fries, term expired, seat 4, must be Senior Manager of St. Luke's Hospital for the unexpired portion of a 3-year term ending January 15, 2006.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

021999 [Biosciences Task Force]**Supervisor Maxwell**

Resolution establishing a Biosciences Task Force to make policy recommendations to the Board of Supervisors and setting forth the membership and duties of the Task Force.

12/9/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

1/13/03, SUBSTITUTED. Supervisor Maxwell submitted a substitute resolution bearing same title.

1/13/03, ASSIGNED to Rules and Audits Committee.

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

Heard in committee. Speakers: Supervisor Maxwell; Sylvia Johnson; Ted Lakey, Deputy City Attorney.

3/26/03 Amendment of the whole bearing same title further amended on page 4, line 24, after "than" delete

"October 10, 2003" and add "six months from the date that the appointment of a quorum of the voting membership of the Task Force becomes effective"; and on page 5, line 8, after "sunset" delete "on January 9, 2004" and add "eight months from the date that the appointment of a quorum of the voting membership of the Task Force becomes effective."

Supervisor Duffy requested to be added as a co-sponsor.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

RECOMMENDED AS AMENDED by the following vote:

Ayes: 3 - Hall, Duffy, Gonzalez

021951 [Establishing Multi-disciplinary Task Force on Childhood Nutrition]**Supervisor Maxwell**

Resolution establishing a multi-disciplinary task force on childhood obesity and related diabetes.

11/26/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

1/23/03, REFERRED TO DEPARTMENT. Referred to Youth Commission.

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

2/10/03, RESPONSE RECEIVED.

Heard in committee. Speakers: Supervisor Maxwell; Ron McCan, Youth Commission; Ted Lakey, Deputy City Attorney; Dexter Louie; Adam Gierlach; Mike Constable; Jennifer Portnick; Deb Burgard; Laurie Edison; Dr. Stephanie Zone; Anahid Kassabian; Larry Brinkin; Lisa Tealer; Margarita Rossi; Frances White; Marilyn Wann; Tish Parmeley; Pat Lyons; Jessica Wolin; Sondra Solivay; Cheryl Swanson; Nita Hines; Mary Beth Wallace, Executive Board, Coleman Advocates for Children and Youth; Mary Beth Goldstein, Parents for Public Schools; Franciso Da Costa; Sylvia Johnson.

3/26/03 Amendment of the whole bearing new title.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

Resolution establishing a multi-disciplinary task force on childhood nutrition and physical activity.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 3 - Hall, Duffy, Gonzalez

**030055 [Dissolving the San Mateo County-City and County of San Francisco Task Force]
Supervisor Hall**

Resolution repealing Resolution No. 876-82, to dissolve the "San Mateo County-City and County of San Francisco Task Force."

1/13/03, RECEIVED AND ASSIGNED to Rules and Audits Committee.

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

3/12/03, CONTINUED. Heard in committee. Speakers: Sean Elsbemd, aide to Supervisor Hall.

Continued to March 26, 2003.

Heard in committee. Speakers: Francisco Da Costa; Sylvia Johnson.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

**030194 [Dissolving the Mayor's Criminal Justice Council]
Supervisor Hall**

Resolution repealing Resolutions Nos. 89-71, 286-71, 359-71, 360-71, 608-71, 14-72, 578-72, 510-73, 934-74, 126-77, 26-78, 704-78, 412-82, 345-89, and 414-89, to dissolve the "Mayor's Criminal Justice Council."

2/4/03, RECEIVED AND ASSIGNED to Rules and Audits Committee.

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

2/11/03, REFERRED TO DEPARTMENT. Referred to Youth Commission.

3/12/03, CONTINUED. Heard in committee. Speakers: None.

Continued to March 26, 2003.

Heard in committee. Speakers: Francisco Da Costa; Sylvia Johnson.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

Conference with City Attorney

(Convene in Closed Session)

Motion that the Rules Committee of the Board of Supervisors convene in closed session with the City Attorney under the provisions of Government Code Section 54956.9 (a) and Administrative Code Section 67.8 (3), for the purpose of conferring with, or receiving advice from, the City Attorney regarding proposed settlements in the lawsuits or claims listed below.

Unanimous vote to convene in closed session by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030343 [Settlement of Lawsuit - SamTrans/Tanforan]

Ordinance approving settlement of litigation of San Mateo County Transit District against City and County of San Francisco for total value of \$2,544,500. (City Attorney)

(No Public Benefit Recipient.)

3/3/03, RECEIVED AND ASSIGNED to Rules Committee

Heard in committee. Speaker: Ted Lakey, Deputy City Attorney.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030341 [Settlement of Lawsuit]

Ordinance approving settlement of litigation of City and County of San Francisco against Nishkian & Associates for \$85,000. (City Attorney)

(Public Benefit Recipient.)

2/28/03, RECEIVED AND ASSIGNED to Rules Committee. Department requests this item be calendared as soon as possible.

Heard in committee. Speaker: Ted Lakey, Deputy City Attorney.

FILED by the following vote:

Ayes: 3 - Hall, Duffy, Gonzalez

030322 [Settlement of Lawsuit - Maxuman Lamar Chenier]

Ordinance authorizing settlement of the lawsuit filed by Maxuman Lamar Chenier against the City and County of San Francisco for \$237,500; the lawsuit was filed on August 14, 2000 in San Francisco Superior Court, Case No. 314357; entitled Maxuman Lamar Chenier v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

2/25/03, RECEIVED AND ASSIGNED to Rules Committee.

3/12/03, CONTINUED. Heard in committee. Speakers: Ted Lakey, Deputy City Attorney; Stacey Lucas, Deputy City Attorney. Continued to March 26, 2003.

Heard in committee. Speakers: Ted Lakey, Deputy City Attorney; Stacey Lucas, Deputy City Attorney.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Duffy, Gonzalez

030328 [Settlement of Unlitigated Claim]**Supervisor Hall**

Ordinance approving settlement of an unlitigated claim by the City and County of San Francisco, acting by and through its Airport Commission, against D. Mitchell Concessions, Inc., by approving a lease of two coffee facilities in the Domestic Terminals and the main restaurant in the International Terminal, to HMSHost Corporation, waiving the competitive solicitation requirement in San Francisco Administrative Code Section 2A.173, and authorizing the Airport Director to execute agreements in furtherance of the foregoing.

2/25/03, RECEIVED AND ASSIGNED to Rules Committee.

3/12/03, CONTINUED. Heard in committee. Speakers: Ted Lakey, Deputy City Attorney. Continued to March 26, 2003.

Heard in committee. Speaker: Ted Lakey, Deputy City Attorney.

Continued to April 9, 2003.

CONTINUED by the following vote:

Ayes: 3 - Hall, Duffy, Gonzalez

Report on Closed Session.

Deputy City Attorney Ted Lakey reported that the Rules Committee has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) and Administrative Code Section 67.8 (3), for the purpose of conferring with, or receiving advice from, the City Attorney regarding settlements in the lawsuits or claims listed above.

[Elect Not to Disclose]

Motion that the Committee finds that it is in the best interest of the public that the Committee elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.

Unanimous vote not to disclose discussion to the public by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

ADJOURNMENT

The meeting adjourned at 12:10 p.m.





City and County of San Francisco

Meeting Minutes

Rules Committee

Members: Tony Hall, Bevan Dufty and Matt Gonzalez

Superior 2018

Clerk: Deborah Muccino

City Hall
1 Dr. Carlton B.
Goodlett Place
San Francisco, CA
94102-4689

Wednesday, April 02, 2003

9:30 AM

Legislative Chambers

Regular Meeting

Members Present: Tony Hall, Bevan Dufty, Matt Gonzalez.

MEETING CONVENED

The meeting convened at 9:37 a.m.

030324

[Appointment]

Hearing to consider appointing one member to the San Francisco Museum and Historical Society Advisory Committee.

1 Seat Being Considered

Vacant seat, new position, seat 3, the Community Representative must be a member from organizations or communities with extensive knowledge of the history or cultural traditions of an ethnic minority community within San Francisco with a focus on ancestral lineage or other historical and cultural links to the San Francisco Bay area, for a one year term ending April 21, 2004.

2/25/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Jim Lazarus; Charles Striplen; Ed Franklin; Andre Krump; Tomasita Medal.

Appointment of Charles Striplen, seat 3 recommended.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Charles Striplen, term ending April 21, 2004 to the San Francisco Museum and Historical Society Advisory Committee. Residency requirement waived.

Charles Striplen, (residency requirement waived), new position, seat 3, the Community Representative must be a member from organizations or communities with extensive knowledge of the history or cultural traditions of an ethnic minority community within San Francisco with a focus on ancestral lineage or other historical and cultural links to the San Francisco Bay area, for a one year term ending April 21, 2004.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

DOCUMENTS DEPT

APR - 4 2003

SAN FRANCISCO
PUBLIC LIBRARY

022027 [Conflict of Interest Code Amendments]**Supervisor Gonzalez**

Ordinance amending sections 3.1-109, 3.1-110, 3.1-120, 3.1-135, 3.1-140, 3.1-145, 3.1-150, 3.1-155, 3.1-170, 3.1-175, 3.1-195, 3.1-230, 3.1-240, 3.1-245, 3.1-250, 3.1-260, 3.1-265, 3.1-270, 3.1-275, 3.1-310, 3.1-315, 3.1-320, 3.1-335, 3.1-345, 3.1-350, 3.1-360, 3.1-365, 3.1-375, 3.1-390, 3.1-395, 3.1-430, 3.1-435, and 3.1-445; deleting section 3.1-330 of the Campaign and Governmental Conduct Code; and adding sections 3.1-169 and 3.1-225 to the Campaign and Governmental Conduct Code to update the list of designated employees who must file financial disclosure statements and to modify the applicable disclosure requirements.

12/16/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 1/15/2003.

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

2/26/03, CONTINUED TO CALL OF THE CHAIR. Heard in committee. Speakers: None.

3/19/03, AMENDED. Heard in committee. Speakers: John Kennedy, Deputy City Attorney; Mark Westland, Department of the Environment.

3/19/03 Amendment of the whole bearing same title.

Supervisor Gonzalez requested to be added as a Sponsor.

Continued to April 2, 2003.

3/19/03, CONTINUED.

3/24/03, SUBSTITUTED. City Attorney submitted a substitute ordinance bearing new title.

3/24/03, ASSIGNED to Rules Committee.

Heard in committee. Speakers: Ted Lakey, Deputy City Attorney.

4/2/03 Amended on page 18, line 11, delete "Information Systems Business Analyst, Principal"; on line 13, delete "Principal Clerk, Central Permit Bureau".

AMENDED.

RECOMMENDED AS AMENDED AS A COMMITTEE REPORT by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030136 [Status of Proposition N Implementation]**Supervisor McGoldrick**

Hearing to consider progress by City departments in meeting the deadline of July 1, 2003 for implementation of requirements of Proposition N, recently passed by voters in November 2002. This hearing should include presentations by department heads charged with implementation of Proposition N, including any new and existing programs designated by any City department as implementing the provisions of the initiative, policies adopted or under consideration by any department to assist in the implementation of the initiative, current projected cost savings or increases associated with plans for implementation, any projected increases or decreases in resources currently going to other City programs that will result from implementation proposals, any collateral effects of implementation proposals on other populations served by the City, projected numbers of persons who will be affected by proposed changes in policies with an explanation of such effects, and a timetable for full implementation of each of the initiative's provisions. This hearing should be scheduled on a monthly basis until City departments certify that the provisions of Proposition N have been fully implemented.

1/28/03, RECEIVED AND ASSIGNED to Rules and Audits Committee.

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

Heard in committee. Speakers: Supervisor McGoldrick; Supervisor Newsom; Trent Rorer, Department of Human Services; Jim Alvarado; Mother Brown; Male Speaker; Wendy Philips; Jose Bondoc; Alison Yum; Dee Allen; Bianca Henry; Eric Allen Bass; Shelly Roder; Karl Kramer; Vincent Hoenigman; Nathan Nayman; Nora Calderon; Julie Brown; Calvin Davis; Michael Africa; Miguel Carrera; Terry; Steven Currier; Manila Rafnel; Randall Kala; Male Speaker; Erica Leland; Arlette Watson; Marisa Watson; Yolanda Catzako; Tania Kostanian; Renee Saucedo; Aimee Albertson; Jennifer Friedenbach; Karl; Male Speaker; Mel Beetle; Steven Chester; Darrell; Jim Beal, Department of Human Services; Male Speaker; Larry Lattimore; Male Speaker; Chance Martin; Sam Sim; Delbert Scott; Abdalla Meghed.

4/2/03 Transferred to City Services Committee.

CONTINUED by the following vote:

Ayes: 2 - Dufty, Gonzalez

Absent: 1 - Hall

LITIGATION

Conference with City Attorney

(Convene in Closed Session)

Motion that the Rules Committee of the Board of Supervisors convene in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) and Administrative Code Section 67.8 (3), for the purpose of conferring with, or receiving advice from, the City Attorney regarding proposed settlements in the lawsuits or claims listed below:

Unanimous vote to convene in closed session by the following vote:

Ayes: 2 - Dufty, Gonzalez

Absent: 1 - Hall

030344 [Settlement of Claim - Kristina Wuslich]

Resolution approving the settlement of the unlitigated claim filed by Kristina Wuslich against the City and County of San Francisco for \$250,000; claim was filed on June 14, 2002. (City Attorney)

(Public Benefit Recipient.)

3/4/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers:

RECOMMENDED.. by the following vote:

Ayes: 2 - Dufty, Gonzalez

Absent: 1 - Hall

Report on Closed Session.

Deputy City Attorney Ted Lakey reported that the Rules Committee has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) and Administrative Code Section 67.8 (3), for the purpose of conferring with, or receiving advice from, the City Attorney regarding settlements in the lawsuits or claims listed above.

[Elect Not to Disclose]

Motion that the Committee finds that it is in the best interest of the public that the Committee elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.

Unanimous vote not to disclose discussion to the public by the following vote:

Ayes: 2 - Dufty, Gonzalez

Absent: 1 - Hall

ADJOURNMENT

The meeting adjourned at 2:55 p.m.



City and County of San Francisco

Meeting Minutes

Rules Committee

Members: Tony Hall, Bevan Dufty and Matt Gonzales

Clerk: Deborah Muccino

City Hall
1 Dr. Carlton B.
Place
San Francisco, CA
94102-4689

[All Committees]
Government Documents
Main Library

Wednesday, April 09, 2003

9:30 AM

City Hall, Room 263

Regular Meeting

Members Present: Tony Hall, Bevan Dufty, Matt Gonzalez.

MEETING CONVENED

The meeting convened at 9:39 a.m.

030378 [Appointment]

Hearing to consider appointing two members to the Pedestrian Safety Advisory Committee.

2 Seats Being Considered

Vacant seat, new position, seat 5, must be a representative from a senior or disability organization, for a two-year term (ending date to be determined).

Vacant seat, new position, seat 8, must be a representative from a child advocate or school support organization, for a two-year term (ending date to be determined).

3/5/03, CONTINUED. Divided from file 021545. Continued to April 9th.

3/6/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee: Speakers: Helen Kwan; Roger McKean Bazeley; Pi Ra.

Appointment of Helen Kwan, seat 5, recommended. Seat 8 unfilled.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Helen Kwan, term ending date to be determined to the Pedestrian Safety Advisory Committee.

Helen Kwan, new position, seat 5, must be a representative from a senior or disability organization, for a two-year term (ending date to be determined).

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

DOCUMENTS DEPT.

APR 14 2003

SAN FRANCISCO
PUBLIC LIBRARY

030170 [Appointment]

Hearing to consider appointing six members to the Local Homeless Coordinating Board.

6 seats being considered

Vacant seat, succeeding Jennifer Friedenbach, term expired, seat 4, must represent area of advocacy, for a two year term ending 5/15/04.

Vacant seat, succeeding Gail Gilman, term expired, seat 6, must be a service provider, for a two year term ending 5/15/04.

Vacant seat, succeeding Barry Hermanson, term expired, seat 8, must represent the business community, for a two year term ending 5/15/04.

Vacant seat, succeeding Laura Ware, term expired, seat 9, must represent education and/or training, for a two year term ending 5/15/04.

Vacant seat, succeeding Marcia Argyris, term expired, seat 10, must represent a foundation, for a two year term ending 5/15/04.

Vacant seat, new position, seat 11, must represent Labor, for a two year term ending 5/15/04.

1/28/03, RECEIVED AND ASSIGNED to Rules and Audits Committee.

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

3/19/03, CONTINUED. Heard in committee. Speakers: Darrell Smaw, Mayor's Office of Homelessness; Jennifer Friedenbach; Steven Chester; John Kennedy, Deputy City Attorney; Stuart Berger; Leon Winston; Gail Gilman; Barry Hermanson; Marcia Argyris; John Wilson; Richard Robinson.

Continued to April 9, 2003.

Heard in committee: Speakers: Steve Chester; Amos Brown; Barry Hermanson; Jennifer Friedenbach; Gail Gilman.

Appointment of Jennifer Friedenbach, seat 4; Gail Gilman, seat 6; Barry Hermanson, seat 8; Leon Winston, seat 9, and Marcia Argyris, seat 10, recommended. Seat 11, unfilled.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Jennifer Friedenbach, Gail Gilman, Barry Hermanson, Leon Winston and Marcia Argyris terms ending May 15, 2004 to the Local Homeless Coordinating Board.

Jennifer Friedenbach, succeeding herself, term expired, seat 4, must represent area of advocacy, for a two year term ending 5/15/04.

Gail Gilman, succeeding herself, term expired, seat 6, must be a service provider, for a two year term ending 5/15/04.

Barry Hermanson, succeeding himself, term expired, seat 8, must represent the business community, for a two year term ending 5/15/04.

Leon Winston, succeeding Laura Ware, term expired, seat 9, must represent education and/or training, for a two year term ending 5/15/04.

Marcia Argyris, succeeding herself, term expired, seat 10, must represent a foundation, for a two year term ending 5/15/04.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Duffy, Gonzalez

030412 [Appointment]

Hearing to consider appointing two members to the Local Homeless Coordinating Board.

Vacant seat, succeeding Diane Burke, resigned, seat 1, must represent homeless or formerly homeless, for the unexpired portion of a two year term ending May 15, 2003.

Vacant seat, succeeding Joyce Miller, resigned, seat 3, must represent area of advocacy, for the unexpired portion of a two year term ending May 15, 2003.

3/13/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee: Speakers: Steve Chester; Amos Brown; Barry Hermanson; Jennifer Friedenbach; Gail Gilman.

Appointment of Steve Chester, seat 1, and Stuart Berger, seat 3, recommended.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Steve Chester and Stuart Berger, terms ending May 15, 2003 to the Local Homeless Coordinating Board.

Steve Chester, succeeding Diane Burke, resigned, seat 1, must represent homeless or formerly homeless, for the unexpired portion of a two year term ending May 15, 2003.

Stuart Berger, succeeding Joyce Miller, resigned, seat 3, must represent area of advocacy, for the unexpired portion of a two year term ending May 15, 2003.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

**030191 [Confirming the re-appointment of Michael Hardeman to the San Francisco Port Commission]
Mayor**

Resolution confirming the appointment of Michael Hardeman to the San Francisco Port Commission for a four-year term ending May 1, 2006. (Mayor)

2/4/03, RECEIVED AND ASSIGNED to Rules and Audits Committee.

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

2/26/03, RECOMMENDED... Heard in committee. Speakers: Michael Hardeman; Karin Carlson, Mayor's Office; Maurena Sekotano; Alexander Bacardy; Richard Ow; Harry Kim.

3/18/03, CONTINUED. Continued to March 25, 2003

3/25/03, RE-REFERRED to Rules Committee. Supervisor Peskin, seconded by Supervisor Ammiano, moved to re-refer this matter to the Rules Committee.

Heard in committee: Speakers: Karin Carlson, aide to Mayor Brown; Walter Johnson; Sabrina Hernandez; Leroy King.

To Board as a committee report April 15, 2003.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030189 [Confirming the appointment of Ben Hom to the San Francisco Port Commission]**Mayor**

Resolution confirming the appointment of Ben Hom to the San Francisco Port Commission, for a four-year term ending May 1, 2006. (Mayor)

(Supervisor Hall excused from voting.)

2/4/03, RECEIVED AND ASSIGNED to Rules and Audits Committee.

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

2/26/03, REFERRED WITHOUT RECOMMENDATION. Heard in committee. Speakers: Ben Hom; Daniel Mitchell; D.J. Canapa, aide to Assemblyman Leland Yee; Willis Garriott; Daniel Hom; Stephen Goldstein; Harry Kim; George Fong; Doris Ward; Jim Fabris; Alice Lay; Richard Ow; Thomas Huey; William Tse; Adam Sparks; Durf Butler; Alexander Bacardy; Joe Donaghue; Mr. Lester; Mr. Borzoni; Mr. Yee; Leroy King; Martin Eber; Jonathan Bomstein; Jack Huey; Ted Lakey, Deputy City Attorney.

Supervisor Hall was excused from voting on this matter.

3/18/03, CONTINUED. Continued to March 25, 2003

3/18/03, CONTINUED.

3/25/03, RE-REFERRED to Rules Committee. Supervisor Hall previously excused from voting on this matter.

Supervisor Peskin, seconded by Supervisor Ammiano, moved to re-refer this matter to the Rules Committee.

Heard in committee: Speakers: Ben Hom; Martin Eber; Amos Brown; Victor Makras, Daniel Hom; Mike DeNunzio; Leroy King; Charlie Walker; Angelo Pirri; Richard Ow.

Supervisor Hall was excused from voting on this matter.

REFERRED WITHOUT RECOMMENDATION by the following vote:

Ayes: 2 - Duffy, Gonzalez

Absent: 1 - Hall

LITIGATION

Conference with City Attorney

(Convene in Closed Session)

Motion that the Rules Committee of the Board of Supervisors convene in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) and Administrative Code Section 67.8 (3), for the purpose of conferring with, or receiving advice from, the City Attorney regarding proposed settlements in the lawsuits or claims listed below.

Unanimous vote to convene in closed session by the following vote:

Ayes: 3 - Hall, Duffy, Gonzalez

030393 [Settlement of Lawsuit - Huey, et al. v. CCSF, et al.]

Ordinance authorizing settlement of the lawsuit filed by seven plaintiffs, in a lawsuit known as Huey, et al. against the City and County of San Francisco for \$250,000 as follows: \$87,500 in back overtime wages, \$87,500 in liquidated damages and \$75,000 in attorney's fees and costs; the lawsuit was filed on July 9, 2001 in the United States District Court, Case No. C01-4337 SBA; entitled Huey, et al., v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

3/10/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee: Speakers: Ted Lakey, Deputy City Attorney.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030392 [Settlement of Legal Proceeding on Underground Construction Co., Inc. and Qwest Communications Corporation]

Ordinance authorizing settlement of administrative penalties conditionally imposed by the Department of Public Works on Underground Construction Co., Inc. and Qwest Communications Corporation. (City Attorney)

(Public Benefit Recipient.)

3/10/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee: Speakers: Ted Lakey, Deputy City Attorney.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

Report on Closed Session

Deputy City Attorney Ted Lakey reported that the Rules Committee has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) and Administrative Code Section 6" 8 (3), for the purpose of conferring with, or receiving advice from, the City Attorney regarding settlements in the lawsuits or claims listed above.

[Elect Not to Disclose]

Motion that the Committee finds that it is in the best interest of the public that the Committee elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.

Unanimous vote not to disclose discussion to the public by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

ADJOURNMENT

The meeting adjourned at 1:00 p.m.

90.84
3
1/6/03
CITY AND COUNTY



OF SAN

[Budget Analyst Report]
Susan Hom
Main Library-Govt. Doc. Section

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

April 10, 2003

TO: Rules Committee

FROM: Budget Analyst

DOCUMENTS DEPT.

SUBJECT: April 16, 2003 Rules Committee Meeting

APR 14 2003

Item 8 - File 02-0938

SAN FRANCISCO
PUBLIC LIBRARY

Proposed Ballot Measure:

Charter Amendment amending Appendix A8.506-2 relating to retirement benefits for miscellaneous safety employees.

Draft:

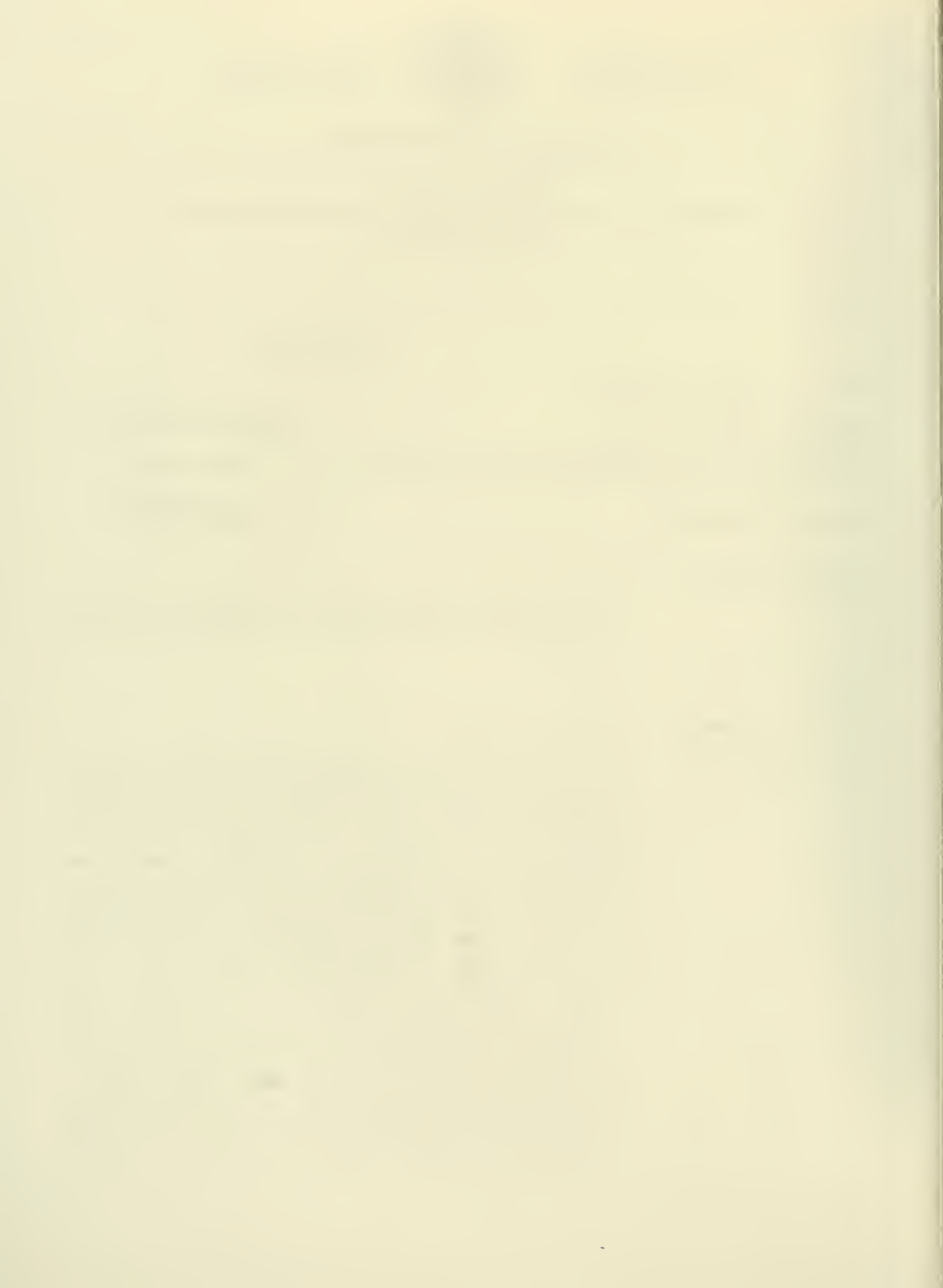
Fifth

Sections Affected:

Appendix A8.506-2.

Description:

The proposed Charter Amendment, if approved by the voters, would allow the Board of Supervisors and the Community College Board to approve contracts with the Board of Administration of the Public Employees' Retirement System of the State of California providing for the membership of miscellaneous safety employees in the California Public Employees' Retirement System (PERS) even if such membership increases the overall costs to the City and County or Community College District. At present, the Board of Supervisors and the Community College Board may approve such contracts (or amendments to contracts) only if they will result in a net savings or no change in costs to the City and County of San Francisco and to the Community College District. "Miscellaneous safety employees" are defined as probation officers, airport police officers, district attorney and public defender investigators, coroner investigators, juvenile



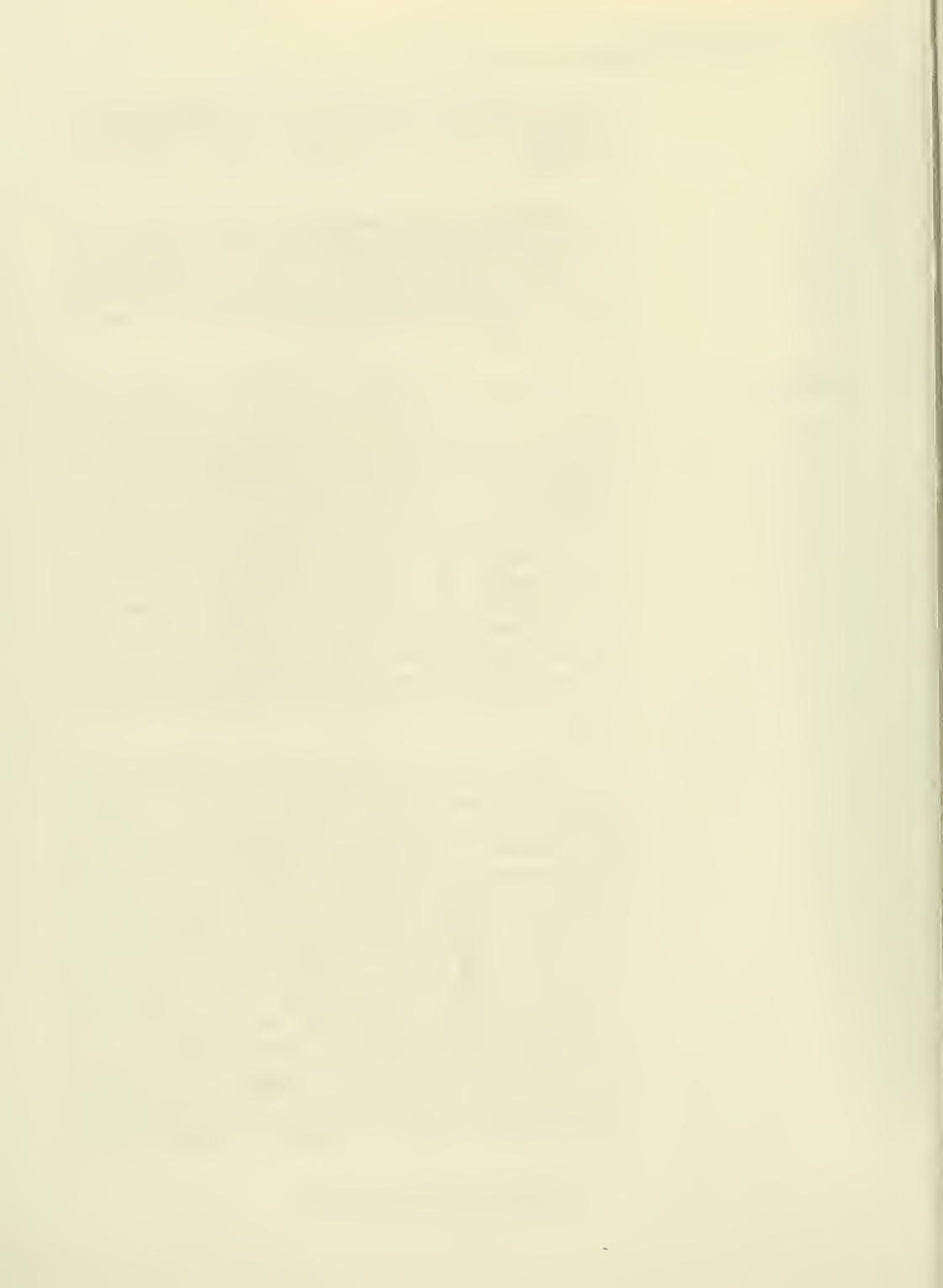
court counselors, institutional police, fire safety inspectors and fire protection engineers who are not members of the retirement plan for uniformed Fire Department personnel.

The proposed Charter Amendment would remove the existing Charter language which states that, "The power to contract (with the PERS Board of Administration) created herein shall be limited to a contract with no net increase in cost to the City and County or the Community College District."

Comments:

1. Currently, the Board of Supervisors and the Community College Board may contract with the PERS Board of Administration to provide miscellaneous safety employees retirement benefits through PERS rather than through the San Francisco Employees' Retirement System (SFERS) only if the PERS contract is of equal or lower cost than the existing contract provisions provided to that group of employees. The proposed Charter Amendment would enable the Board of Supervisors and the Community College Board to enter into contracts or contract amendments with the PERS Board of Administration making miscellaneous safety employees members of PERS even if such membership results in increased costs to the City and the Community College District.

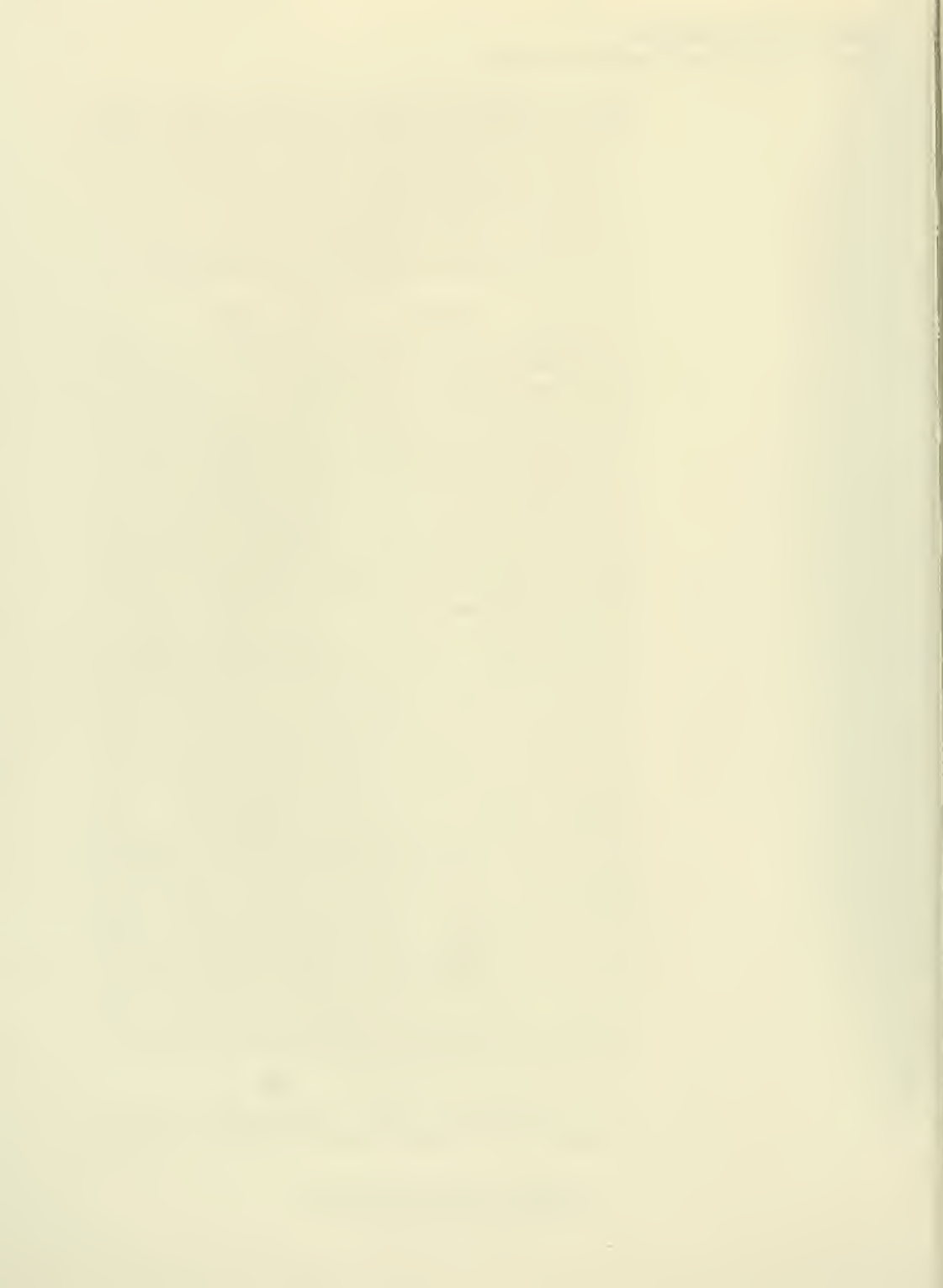
2. As stated by Ms. Clare Murphy of SFERS in her attached memorandum, "This proposed charter amendment does not in and of itself impact the cost of the San Francisco contracts for retirement benefits for miscellaneous safety employees with California Public Employees' Retirement System. The removal of the 'no net increase in cost' sentence will allow future contracts or contract amendments, which will result in an increase over the cost of retirement benefits prior to the new contract or contract amendment(s)." Ms. Murphy has advised the Budget Analyst that the proposed Charter Amendment would remove the spending limits on the Board of Supervisors and the Community College Board, and could result in increased costs to the City and County of San Francisco and the Community College District in the future. Ms. Murphy has advised the Budget Analyst



that if the proposed Charter Amendment is approved, the Board of Supervisors and the Community College Board would have the authority to approve contracts which (a) include miscellaneous safety employees who are not currently members of PERS, or (b) change benefits for miscellaneous safety employees who are currently members of PERS, even if such contracts result in increased costs to the City or Community College District.

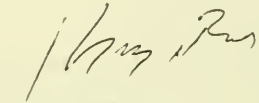
Currently, according to Ms. Murphy, coroner investigators, public defender investigators, fire safety inspectors and fire protection engineers are the only miscellaneous safety employees that are not members of PERS. Ms. Murphy estimates that there are fewer than 1,000 City and Community College District employees currently in PERS, and Ms. Murphy estimates that the proposed Charter Amendment would make no more than 100 additional City and Community College District employees eligible for PERS. According to Ms. Murphy, if the voters approve the proposed Charter Amendment granting authority to the Board of Supervisors and the Community College Board to enter into new contracts or amend existing contracts with the Board of Administration of the Public Employees' Retirement System (PERS) of the State of California for miscellaneous safety employees, any new or amended contracts would most likely increase the level of benefits of the affected employees, resulting in increased costs to the City and to the Community College District. Ms. Murphy explains that those miscellaneous safety employees, who are currently members of PERS, or who are members of the City's Employees' Retirement System, who switch to PERS, could not have their benefit levels reduced because of their vested rights in their current retirement systems. Therefore, any changes to current employees' retirement benefits would necessarily result in increased or equivalent levels of benefits and increased or equivalent costs. According to Ms. Murphy, it is not possible to estimate the potential fiscal impact of this change in the absence of a specific proposal for new or amended contracts with PERS.

3. The proposed Charter Amendment would also substitute "medical examiner investigators" for "coroner



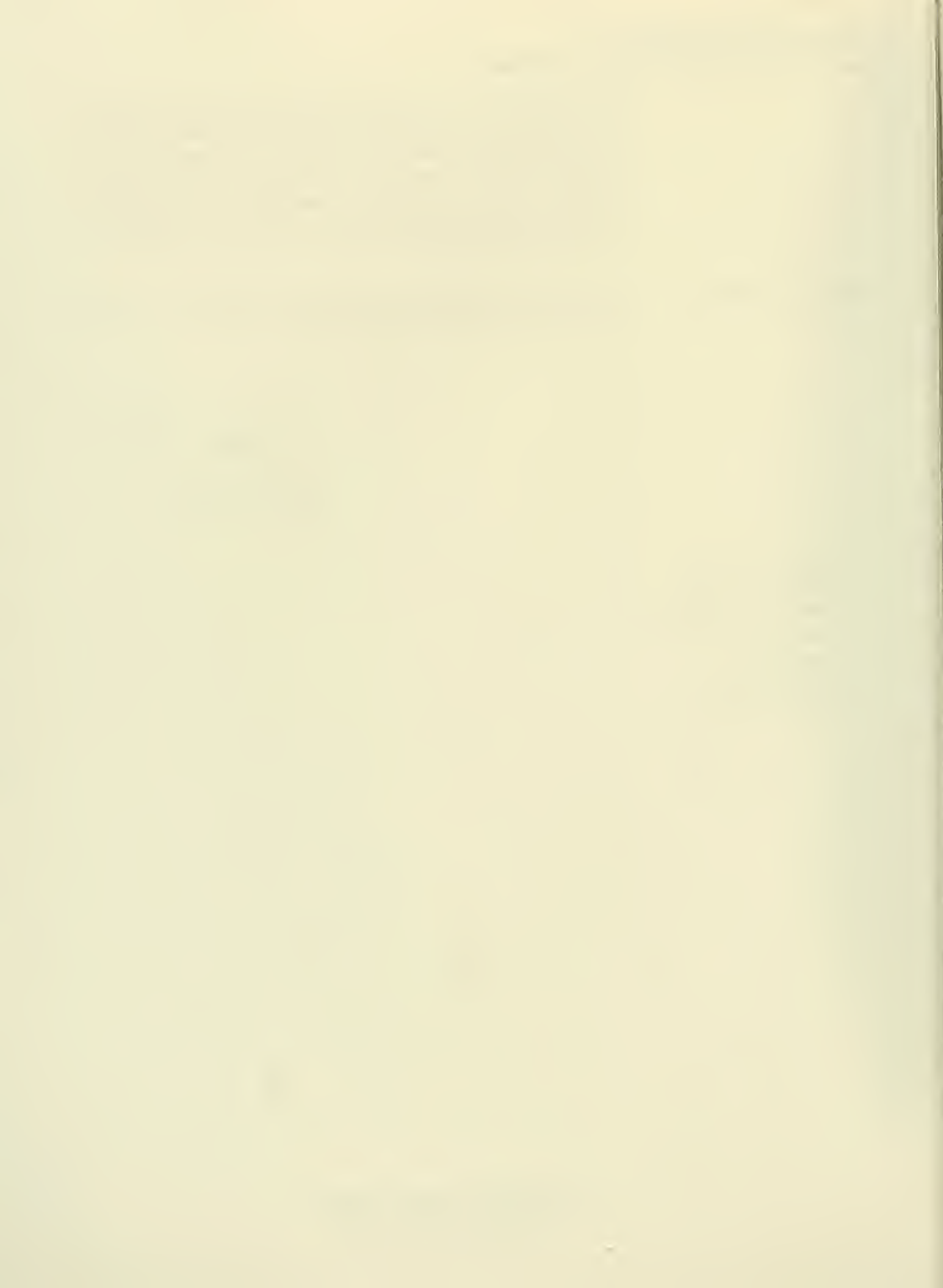
investigators", as miscellaneous safety employees under the contract for retirement benefits with the California Public Employees' Retirement System. According to Ms. Murphy, medical examiner investigator is an updated title for coroner investigator. According to Ms. Murphy, medical examiner investigator performs the same duties as coroner investigator.

Recommendation: Approval of the proposed Charter Amendment is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc: Supervisor Hall
Supervisor Dufty
President Gonzalez
Clerk of the Board
Controller
Ben Rosenfield
Ted Lakey



City and County of San Francisco

San Francisco City and County
Employees' Retirement System
Office of The Executive Director

April 4, 2003

Ms. Gloria Young
Clerk of the Board
Board of Supervisors
City Hall, Room 244
Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Re: File Number 02-0938 (Fifth Draft)
Charter Amendment—Retirement
Benefits for Miscellaneous Safety
Employees (Ammiano, Gonzalez)

Dear Ms. Young:

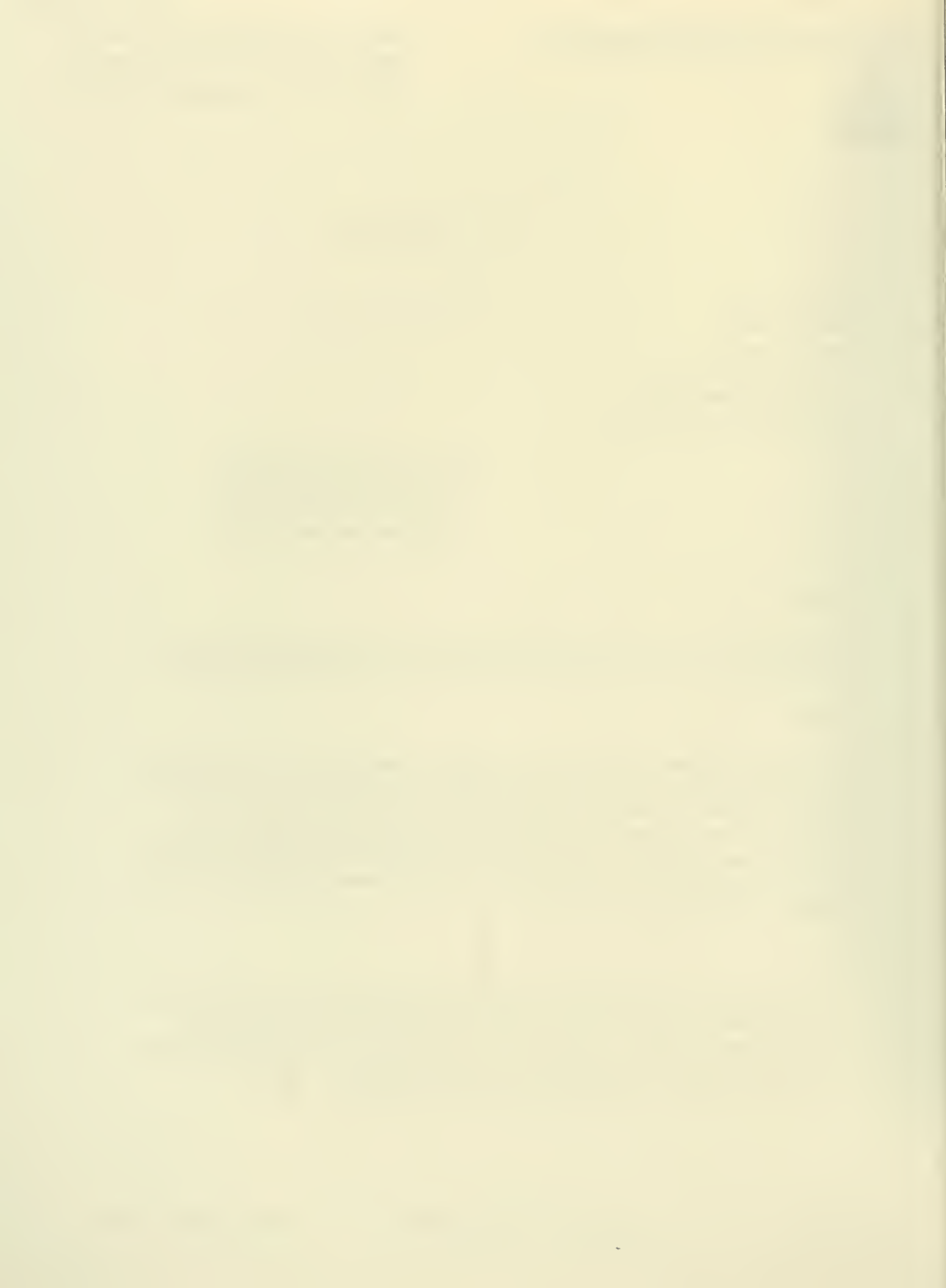
As required by charter section A8.500 of the San Francisco City and County Charter, the following is the cost and effect report relating to the proposed amendment of charter section A8.506-2.

Effect

The proposed amendment deletes one sentence from the existing provision and updates the term "coroner investigators" to "medical examiner investigators". The deletion removes the limitation on the Board of Supervisors' authority to establish or amend contracts with the California Public Employees' Retirement System. Currently, the charter section limits the Board of Supervisors authority to those contracts (or contract amendments) which create no net increase in cost to the city and county or the community college district. The proposed amendment removes the "no net increase in cost" limitation.

Cost

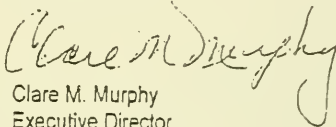
This proposed charter amendment does not in and of itself impact the cost of the San Francisco contracts for retirement benefits for miscellaneous safety employees with California Public Employees' Retirement System. The removal on the "no net increase in cost" sentence will allow future contracts or contract amendments, which will result in an increase over the cost of retirement benefits prior to the new contract or contract amendment(s).



Letter to Gloria Young
April 4, 2003
Page 2

Representatives of the San Francisco Employees' Retirement System will be available to answer questions at the Rules Committee meeting on April 16, 2003.

Very truly yours,



Clare M. Murphy
Executive Director

cc: Mayor Willie L. Brown Jr.
Supervisor Matt Gonzalez, President, Board of Supervisors
Mr. Dennis Herrera, City Attorney
Supervisor Tony Hall, Chair, Rules Committee
Supervisor Bevan Dufty, Vice Chair, Rules Committee
Controller Ed Harrington
Harvey Rose, Budget Analyst
Leanne Nhan, Office of the Budget Analyst
Peg Stevenson, Controller's Office
Deborah Muccino, Clerk, Rules Committee

CMM/cm



City and County of San Francisco

Meeting Minutes

Rules Committee

Members: Tony Hall, Bevan Dufty and Matt Gonzalez

Clerk: Deborah Muccino

City Hall
1 Dr. Carlton B.
Goodlett Place
San Francisco, CA
94102-4689

Wednesday, April 16, 2003

9:30 AM

City Hall, Room 263

Regular Meeting

Members Present: Tony Hall, Bevan Dufty, Matt Gonzalez.

MEETING CONVENED.

The meeting convened at 9:35 a.m.

DOCUMENTS DEPT.

APR 22 2003

REGULAR AGENDA

SAN FRANCISCO
PUBLIC LIBRARY

022055 [Appointment]

Hearing to consider appointing one member to the Skateboarding Task Force.

1 Seat Being Considered:

Vacant Seat, new position, seat 6, must be a voting representative with expertise in real estate or legal fields.

Three-year term.

12/17/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

12/17/02, CONTINUED TO CALL OF THE CHAIR. Divided from File No. 021630.

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

Heard in Committee. Speaker: Matthew Juhl-Darlington, applicant.

Appointment of Matthew Juhl-Darlington, Seat 6, Recommended.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Matthew Juhl-Darlington, term ending September 6, 2005 to the Skateboarding Task Force.

Matthew Juhl-Darlington, new position, seat 6, must be a voting representative with expertise in real estate or legal fields for the unexpired portion of a three-year term ending September 6, 2005.

RECOMMENDED.. by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 1 - Gonzalez

030561 [Appointment]

Hearing to consider appointing fourteen (14) members to the Lead Poisoning Prevention Citizens Advisory Committee.

14 Seats Being Considered

Vacant Seat, succeeding Tan Dieu Chow, term expired, seat 4, must represent a tenant organization, for the unexpired portion of a four-year term ending August 20, 2005.

Vacant Seat, succeeding Richard McGuire, term expired, seat 6, must represent the Housing Authority, for the unexpired portion of a four-year term ending August 20, 2003.

Vacant Seat, succeeding James Threat, term expired, seat 8, must represent the Recreation and Park Department, for the unexpired portion of a four-year term ending August 20, 2005.

Vacant Seat, succeeding Stacey Samek, term expired, seat 9, must represent the San Francisco Unified School District, for the unexpired portion of a four-year term ending August 20, 2005.

Vacant Seat, succeeding Dianne Velleno, term expired, seat 10, must have expertise in state preschools, for the unexpired portion of a four-year term ending August 20, 2005.

Vacant Seat, succeeding Jean Wright, term expired, seat 11, must have expertise in residential multi-dwellings, for the unexpired portion of a four-year term ending August 20, 2004.

Vacant Seat, succeeding Giulio Sorro, resigned, seat 12, must have expertise in affordable housing, for the unexpired portion of a four-year term ending August 20, 2003.

Vacant Seat, succeeding Amy Wah Man Yu, term expired, seat 17, must have expertise in immigrant services, for the unexpired portion of a four-year term ending August 20, 2005.

Vacant Seat, succeeding Ching Wong, term expired, seat 18, must be a language specialist, for the unexpired portion of a four-year term ending August 20, 2005.

Vacant Seat, succeeding Ana Shul, term expired, seat 19, must be low-income advocate, for the unexpired portion of a four-year term ending August 20, 2004.

Vacant Seat, succeeding Jerry Rogers, resigned, seat 21, must have expertise in non-profit clinics, for the unexpired portion of a four-year term ending August 20, 2003.

Vacant Seat, succeeding Maria Luz Torre, term expired, seat 23, must be a parent, for the unexpired portion of a four-year term ending August 20, 2005.

Vacant Seat, succeeding Nancy Lewis, term expired, seat 24, must be a medical provider, for the unexpired portion of a four-year term ending August 20, 2005.

Vacant Seat, seat 25, must represent public housing tenants, for the unexpired portion of a four-year term ending August 20, 2005.

4/1/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Karin Jensen, applicant; Christine Luong, applicant. Seats 4, 6, 9-12, 17-19, 23-25 Divided and Continued to the Call of the Chair. See File 030649.

DIVIDED.

Resolution appointing Karin Jensen (residency requirement waived) and Christine Luong to the Lead Poisoning Prevention Citizens Advisory Committee.

2 Seats Being Considered.

Vacant Seat, succeeding Jean Wright, term expired, seat 11, must have expertise in residential multi-dwellings, for the unexpired portion of a four-year term ending August 20, 2004.

Vacant Seat, succeeding Jerry Rogers, resigned, seat 21, must have expertise in non-profit clinics, for the unexpired portion of a four-year term ending August 20, 2003.

Appointment of Karin Jensen, Seat 8 (residency requirement waived) and Christine Luong, Seat 21, Recommended.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Karin Jensen (residency requirement waived), term ending August 20, 2005 and Christine Luong, term ending August 20, 2003 to the Lead Poisoning Prevention Citizens Advisory Committee.

Karin Jensen (residency requirement waived), succeeding Jean Wright, term expired, seat 11, must have expertise in residential multi-dwellings, for the unexpired portion of a four-year term ending August 20, 2004. Christine Luong, succeeding Jerry Rogers, resigned, seat 21, must have expertise in non-profit clinics, for the unexpired portion of a four-year term ending August 20, 2003.

RECOMMENDED.. by the following vote:

Ayes: 2 - Hall, Duffy

Absent: 1 - Gonzalez

030649 [Appointment]

Hearing to consider appointing twelve members (12) to the Lead Poisoning Prevention Citizens Advisory Committee.

12 Seats Being Considered.

Vacant Seat, succeeding Tan Dieu Chow, term expired, seat 4, must represent a tenant organization, for the unexpired portion of a four-year term ending August 20, 2005.

Vacant Seat, succeeding Richard McGuire, term expired, seat 6, must represent the Housing Authority, for the unexpired portion of a four-year term ending August 20, 2003.

Vacant Seat, succeeding Stacey Samek, term expired, seat 9, must represent the San Francisco Unified School District, for the unexpired portion of a four-year term ending August 20, 2005.

Vacant Seat, succeeding Dianne Velleno, term expired, seat 10, must have expertise in state preschools, for the unexpired portion of a four-year term ending August 20, 2005.

Vacant Seat, succeeding Jean Wright, term expired, seat 11, must have expertise in residential multi-dwellings, for the unexpired portion of a four-year term ending August 20, 2004.

Vacant Seat, succeeding Giulio Sorro, resigned, seat 12, must have expertise in affordable housing, for the unexpired portion of a four-year term ending August 20, 2003.

Vacant Seat, succeeding Amy Wah Man Yu, term expired, seat 17, must have expertise in immigrant services, for the unexpired portion of a four-year term ending August 20, 2005.

Vacant Seat, succeeding Ching Wong, term expired, seat 18, must be a language specialist, for the unexpired portion of a four-year term ending August 20, 2005.

Vacant Seat, succeeding Ana Shul, term expired, seat 19, must be low-income advocate, for the unexpired portion of a four-year term ending August 20, 2004.

Vacant Seat, succeeding Maria Luz Torre, term expired, seat 23, must be a parent, for the unexpired portion of a four-year term ending August 20, 2005.

Vacant Seat, succeeding Nancy Lewis, term expired, seat 24, must be a medical provider, for the unexpired portion of a four-year term ending August 20, 2005.

Vacant Seat, seat 25, must represent public housing tenants, for the unexpired portion of a four-year term ending August 20, 2005.

Divided from File 030561.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 2 - Hall, Duffy

Absent: 1 - Gonzalez

030474 [Appointment]

Hearing to consider appointing two members to the Sunshine Ordinance Task Force 2000.

2 seats being considered.

Vacant seat, succeeding Marie Harrison, term expired, seat 4, must be appointed from names submitted by New California Media and be a journalist from a racial/ethnic minority-owned news organization, for a two year term ending April 27, 2004.

Vacant seat, succeeding Marjorie Ann Williams, term expired, seat 11, must be a member of the public who has demonstrated interest in or has experience in the issues of citizen access and participation in local government, for a two year term ending April 27, 2004.

3/21/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Donna Hall, Sunshine Ordinance Task Force Administrator; Pawan Mehra, applicant; Marjorie Ann Williams, applicant; Merrit Jones, applicant; Garrett Jenkins, Sunshine Ordinance Task Force member; David Parker, Sunshine Ordinance Task Force member.

Appointment of Pawan Mehra, Seat 4 and Marjorie Ann Williams, Seat 11, Recommended.

PREPARED IN COMMITTEE AS A RESOLUTION by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 1 - Gonzalez

Resolution appointing Pawan Mehra and Marjorie Ann Williams, term ending April 27, 2004 to the Sunshine Ordinance Task Force 2000.

Pawan Mehra, succeeding Marie Harrison, term expired, seat 4, must be appointed from names submitted by New California Media and be a journalist from a racial/ethnic minority-owned news organization, for a two year term ending April 27, 2004.

Marjorie Ann Williams, succeeding Marjorie Ann Williams, term expired, seat 11, must be a member of the public who has demonstrated interest in or has experience in the issues of citizen access and participation in local government, for a two year term ending April 27, 2004.

RECOMMENDED.. by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 1 - Gonzalez

030558 [Appointment]

Hearing to consider appointing 3 members to the Children and Families Trust Fund and Commission.

3 seats being considered

Vacant seat, succeeding Raymond Weisberg, seat 6, must represent one or more of the following: children services, public health services; behavioral health services, social services and tobacco and other substance abuse prevention and treatment services; recipients of project services included in the county strategic plan; educators specializing in early childhood development; representatives of a local child care resource or referral agency, the Child Care Planning and Advisory Council or another local child care coordinating group; representatives of a local organization for prevention or early intervention for families at risk; representatives of community-based organizations that have the goal of promoting and nurturing early childhood development; representatives of local school districts; and representatives of local medical, pediatric, or obstetric associations or societies; for a 4 year term ending April 29, 2007.

Vacant seat, succeeding Cheryl Polk, seat 7, must represent one or more of the following: children services, public health services; behavioral health services, social services and tobacco and other substance abuse prevention and treatment services; recipients of project services included in the county strategic plan; educators specializing in early childhood development; representatives of a local child care resource or referral agency, the Child Care Planning and Advisory Council or another local child care coordinating group; representatives of a local organization for prevention or early intervention for families at risk; representatives of community-based organizations that have the goal of promoting and nurturing early childhood development; representatives of local school districts; and representatives of local medical, pediatric, or obstetric associations or societies; for a 4 year term ending April 29, 2007.

Vacant seat, succeeding Lucy Crain, seat 9, must represent one or more of the following: children services, public health services; behavioral health services, social services and tobacco and other substance abuse prevention and treatment services; recipients of project services included in the county strategic plan; educators specializing in early childhood development; representatives of a local child care resource or referral agency, the Child Care Planning and Advisory Council or another local child care coordinating group; representatives of a local organization for prevention or early intervention for families at risk; representatives of community-based organizations that have the goal of promoting and nurturing early childhood development; representatives of local school districts; and representatives of local medical, pediatric, or obstetric associations or societies; for a 4 year term ending April 29, 2007.

4/1/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Dr. Moira Kenney, Executive Director, Children and Families Trust Fund and Commission; Dr. Raymond Weisberg, applicant; Cheryl Polk, Ph.D., applicant; Dr. Lucy Crain, applicant. Appointment of Dr. Raymond Weisberg, Seat 6; Cheryl Polk, Ph.D., Seat 7; Dr. Lucy Crain, Seat 9, Recommended.

PREPARED IN COMMITTEE AS A RESOLUTION by the following vote:

Ayes: 3 - Hall, Duffy, Gonzalez

Resolution appointing Dr. Raymond Weisberg, Dr. Cheryl Polk and Dr. Lucy Crain term ending April 29, 2007 to the Children and Families Trust Fund and Commission.

Dr. Raymond Weisberg, succeeding Dr. Raymond Weisberg, seat 6, must represent one or more of the following: children services, public health services; behavioral health services, social services and tobacco and other substance abuse prevention and treatment services; recipients of project services included in the county strategic plan; educators specializing in early childhood development; representatives of a local child care resource or referral agency, the Child Care Planning and Advisory Council or another local child care coordinating group; representatives of a local organization for prevention or early intervention for families at risk; representatives of community-based organizations that have the goal of promoting and nurturing early childhood development; representatives of local school districts; and representatives of local medical, pediatric, or obstetric associations or societies; for a 4 year term ending April 29, 2007.

Cheryl Polk, Ph.D., succeeding Cheryl Polk, Ph.D., seat 7, must represent one or more of the following: children services, public health services; behavioral health services, social services and tobacco and other substance abuse prevention and treatment services; recipients of project services included in the county strategic plan; educators specializing in early childhood development; representatives of a local child care resource or referral agency, the Child Care Planning and Advisory Council or another local child care coordinating group; representatives of a local organization for prevention or early intervention for families at risk; representatives of community-based organizations that have the goal of promoting and nurturing early childhood development; representatives of local school districts; and representatives of local medical, pediatric, or obstetric associations or societies; for a 4 year term ending April 29, 2007.

Dr. Lucy Crain, succeeding Dr. Lucy Crain, seat 9, must represent one or more of the following: children services, public health services; behavioral health services, social services and tobacco and other substance abuse prevention and treatment services; recipients of project services included in the county strategic plan; educators specializing in early childhood development; representatives of a local child care resource or referral agency, the Child Care Planning and Advisory Council or another local child care coordinating group; representatives of a local organization for prevention or early intervention for families at risk; representatives of community-based organizations that have the goal of promoting and nurturing early childhood development; representatives of local school districts; and representatives of local medical, pediatric, or obstetric associations or societies; for a 4 year term ending April 29, 2007.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030559 [Appointment]

Hearing to consider appointing two members to the Public Utilities Revenue Bond Oversight Committee.

2 seats being considered

Vacant seat, new position, seat 1, shall have expertise, skills and experience in economics, the environment, construction or project management, for a term to be determined.

Vacant seat, new position, seat 2, shall have expertise, skills and experience in economics, the environment, construction or project management, for a term to be determined.

4/1/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Steven Lawrence, applicant; David Sutter, applicant; Brian Browne, applicant.

Appointment of Brian Browne, Seat 1 and David Sutter, Seat 2, Recommended.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing David Sutter and Brian Browne, for a term to be determined, to the Public Utilities Revenue Bond Oversight Committee.

Brian Browne, new position, seat 1, shall have expertise, skills and experience in economics, the environment, construction or project management, for a term to be determined.

David Sutter, new position, seat 2, shall have expertise, skills and experience in economics, the environment, construction or project management, for a term to be determined.

RECOMMENDED.. by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 1 - Gonzalez

030291 [Appointment]

Hearing to consider appointing one member to the Assessment Appeals Board 2.

1 Seat Being Considered

Vacant seat, succeeding Adrienne Lacau, resigned, seat 6, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code. ALTERNATE /HEARING OFFICER for the unexpired portion of a three year term ending September 1, 2003.

2/18/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Richard Kiwata, applicant; Supervisor Aaron Peskin; Dawn Duran, Administrator, Assessment Appeals Board; Ted Lakey, Deputy City Attorney, City Attorney's Office; Gary Gee, AIA, Gary Gee Architects; Mabel Teng, Assessor; Margaret Ruxton, applicant; Albert Michael Zecher, Jr., applicant; David Wilbur, applicant; Donna Crowder, applicant; Richard Lee, applicant; Joyce Lichenstein; Alex Lambie, Assessment Appeals Board member; Jim Fabris, Executive Director, San Francisco Board of Realtors; Christine Linnenbach.

Appointment of Donna Crowder, Seat 6, Recommended.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Donna Crowder, term ending September 1, 2003, to the Assessment Appeals Board 2.

Donna Crowder, succeeding Adrienne Lacau, resigned, seat 6, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code. ALTERNATE /HEARING OFFICER for the unexpired portion of a three year term ending September 1, 2003.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030557 [Appointment]

Hearing to consider appointing eleven members to the Bicycle Advisory Committee.

11 seats being considered

Vacant seat, new position, seat 1, must be a nominee of District 1 Supervisor. The member shall serve a two-year term or for the tenure of the Supervisor who nominated the member, whichever is shorter in duration.

Term expiration date to be determined.

Vacant seat, new position, seat 2, must be a nominee of District 2 Supervisor. The member shall serve a two-year term or for the tenure of the Supervisor who nominated the member, whichever is shorter in duration.

Term expiration date to be determined.

Vacant seat, new position, seat 3, must be a nominee of District 3 Supervisor. The member shall serve a two-year term or for the tenure of the Supervisor who nominated the member, whichever is shorter in duration.

Term expiration date to be determined.

Vacant seat, new position, seat 4, must be a nominee of District 4 Supervisor. The member shall serve a two-year term or for the tenure of the Supervisor who nominated the member, whichever is shorter in duration.

Term expiration date to be determined.

Vacant seat, new position, seat 5, must be a nominee of District 5 Supervisor. The member shall serve a two-year term or for the tenure of the Supervisor who nominated the member, whichever is shorter in duration.

Term expiration date to be determined.

Vacant seat, new position, seat 6, must be a nominee of District 6 Supervisor. The member shall serve a two-year term or for the tenure of the Supervisor who nominated the member, whichever is shorter in duration.

Term expiration date to be determined.

Vacant seat, new position, seat 7, must be a nominee of District 7 Supervisor. The member shall serve a two-year term or for the tenure of the Supervisor who nominated the member, whichever is shorter in duration.

Term expiration date to be determined.

Vacant seat, new position, seat 8, must be a nominee of District 8 Supervisor. The member shall serve a two-year term or for the tenure of the Supervisor who nominated the member, whichever is shorter in duration.

Term expiration date to be determined.

Vacant seat, new position, seat 9, must be a nominee of District 9 Supervisor. The member shall serve a two-year term or for the tenure of the Supervisor who nominated the member, whichever is shorter in duration.

Term expiration date to be determined.

Vacant seat, new position, seat 10, must be a nominee of District 10 Supervisor. The member shall serve a two-year term or for the tenure of the Supervisor who nominated the member, whichever is shorter in duration.

Term expiration date to be determined.

Vacant seat, new position, seat 11, must be a nominee of District 11 Supervisor. The member shall serve a two-year term or for the tenure of the Supervisor who nominated the member, whichever is shorter in duration.

Term expiration date to be determined.

4/1/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Casey Allen, applicant; Jerry Ervin, applicant; Andrew Thornley, applicant; Michael Rauner, applicant; Rufus Davis, applicant.

Appointment of Andrew Thornley, Seat 1; Dianna Waggoner, Seat 3; Michael Rauner, Seat 5; Jerry Ervin, Seat 8; Cynthia Powell, Seat 9; Rufus Davis, Seat 10; Casey Allen, Seat 11; Recommended.

Seats 2, 4, 6 and 7 unfilled.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Andrew Thornley, Dianna Waggoner, Michael Rauner, Jerry Ervin, Cynthia Powell, Rufus Davis, and Casey Allen, term expiration date to be determined, to the Bicycle Advisory Committee.

Andrew Thornley, new position, seat 1, must be a nominee of District 1 Supervisor. The member shall serve a two-year term or for the tenure of the Supervisor who nominated the member, whichever is shorter in duration. Term expiration date to be determined.

Dianna Waggoner, new position, seat 3, must be a nominee of District 3 Supervisor. The member shall serve a two-year term or for the tenure of the Supervisor who nominated the member, whichever is shorter in duration. Term expiration date to be determined.

Michael Rauner, new position, seat 5, must be a nominee of District 5 Supervisor. The member shall serve a two-year term or for the tenure of the Supervisor who nominated the member, whichever is shorter in duration. Term expiration date to be determined.

Jerry Ervin, new position, seat 8, must be a nominee of District 8 Supervisor. The member shall serve a two-year term or for the tenure of the Supervisor who nominated the member, whichever is shorter in duration. Term expiration date to be determined.

Cynthia Powell, new position, seat 9, must be a nominee of District 9 Supervisor. The member shall serve a two-year term or for the tenure of the Supervisor who nominated the member, whichever is shorter in duration. Term expiration date to be determined.

Rufus Davis, new position, seat 10, must be a nominee of District 10 Supervisor. The member shall serve a two-year term or for the tenure of the Supervisor who nominated the member, whichever is shorter in duration. Term expiration date to be determined.

Casey Allen; new position, seat 11, must be a nominee of District 11 Supervisor. The member shall serve a two-year term or for the tenure of the Supervisor who nominated the member, whichever is shorter in duration. Term expiration date to be determined.

RECOMMENDED.. by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 1 - Gonzalez

020938 [Charter Amendment - Retirement Benefits for Miscellaneous Safety Employees]**Supervisors Ammiano, Gonzalez, Dufty, Hall**

Charter amendment (Fifth Draft) to amend Appendix A8.506-2 thereto, relating to retirement benefits for miscellaneous safety employees.

(Fiscal impact.)

5/28/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 6/27/2002.

7/5/02, CONTINUED. Heard in committee. Speakers: Supervisor Ammiano; Ed Harrington, Controller; Claire Murphy, SF Employee's Retirement System; Rich Marino; Sharon Brest; Armando Garcia; Allan Pringle.

Supervisor Gonzalez requested to be added as a co-sponsor.

Continued to July 10, 2002.

7/10/02, REFERRED WITHOUT RECOMMENDATION. Heard in committee. Speakers: Rich Perino; Sharon Brest.

7/15/02, CONTINUED. Continued to July 22, 2002.

7/22/02, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

7/22/02, RE-REFERRED to Rules and Audits Committee.

10/21/02, SUBSTITUTED. Supervisor Ammiano submitted a substitute Charter amendment bearing same title.

10/21/02, ASSIGNED to Rules and Audits Committee.

1/13/03, ASSIGNED to Rules and Audits Committee.

1/13/03, SUBSTITUTED. Supervisor Ammiano submitted a substitute Charter Amendment (Fourth Draft) bearing same title.

2/5/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

3/18/03, SUBSTITUTED. Supervisor Ammiano submitted a substitute Charter Amendment (Fifth Draft) bearing same title.

3/18/03, ASSIGNED to Rules Committee. Sponsor requests this item be scheduled for consideration at the April 16, 2003 meeting.

Heard in Committee. Speakers: Supervisor Tom Ammiano; Ted Lakey, Deputy City Attorney, City Attorney's Office; Rich Perino, San Francisco Deputy Sheriff's Association.

RECOMMENDED by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 1 - Gonzalez

LITIGATION

030328 [Settlement of Unlitigated Claim]**Supervisor Hall**

Ordinance approving settlement of an unlitigated claim by the City and County of San Francisco, acting by and through its Airport Commission, against D. Mitchell Concessions, Inc., by approving a lease of two coffee facilities in the Domestic Terminals and the main restaurant in the International Terminal, to HMSHost Corporation, waiving the competitive solicitation requirement in San Francisco Administrative Code Section 2A.173, and authorizing the Airport Director to execute agreements in furtherance of the foregoing.

2/25/03, RECEIVED AND ASSIGNED to Rules Committee.

3/12/03, CONTINUED. Heard in committee. Speakers: Ted Lakey, Deputy City Attorney.
Continued to March 26, 2003.

3/26/03, CONTINUED. Heard in committee. Speaker: Ted Lakey, Deputy City Attorney.
Continued to April 9, 2003.

4/16/03: Amendment of the whole bearing new title.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

Ordinance approving settlement of an unlitigated claim by the City and County of San Francisco, acting by and through its Airport Commission, against D. Mitchell Concessions, Inc., by approving a lease of three coffee facilities in the Domestic Terminals and the main restaurant in the International Terminal, to one or more entities formed by Glenn Meyers, Dayna Meyers, and Garrett Meyers, approving the suspension of the Minimum Annual Guarantee for two Airport restaurants, waiving the competitive solicitation requirement in San Francisco Administrative Code Section 2A.173, and authorizing the Airport Director to execute agreements in furtherance of the foregoing.

Continued to April 23, 2003.

CONTINUED AS AMENDED.

ADJOURNMENT

The meeting adjourned at 3:16 p.m.



City and County of San Francisco

Meeting Minutes

Rules Committee

Members: Tony Hall, Bevan Dufty and Matt Gonzalez

Clerk: Deborah Muccino

City Hall
1 Dr Carlton B
Goodlett Place
San Francisco, CA
94102-4689

Wednesday, April 23, 2003

9:30 AM

City Hall, Room 263

Regular Meeting

Members Present: Tony Hall, Bevan Dufty, Matt Gonzalez.

DOCUMENTS DEPT.

APR 25 2003

MEETING CONVENED

SAN FRANCISCO
PUBLIC LIBRARY

The meeting convened at 9:45 a.m.

030599 [Appointment, Entertainment Commission]

Motion approving the Mayor's nomination for appointment of Jordan Shlain to the Entertainment Commission, term to be determined. (Mayor)

Section 4.117 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved.

Transmittal date - 4/1/03.

4/7/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speaker: Jordan Shlain.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Dufty

030600 [Appointment, Entertainment Commission]

Motion rejecting the Mayor's nomination for appointment of Jordan Shlain to the Entertainment Commission for the term to be determined. (Mayor)

Section 4.117 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved.

Transmittal date - 4/1/03.

4/7/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speaker: Jordan Shlain

FILED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030601 [Appointment, Entertainment Commission]

Motion approving the Mayor's nomination for appointment of Bowman Leong to the Entertainment Commission, term to be determined. (Mayor)

Section 4.117 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved.

Transmittal date - 4/1/03.

4/7/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speaker: Bowman Leong.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Duffy

030602 [Appointment, Entertainment Commission]

Motion rejecting the Mayor's nomination for appointment of Bowman Leong to the Entertainment Commission for the term to be determined. (Mayor)

Section 4.117 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved.

Transmittal date - 4/1/03.

4/7/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speaker: Bowman Leong.

FILED by the following vote:

Ayes: 3 - Hall, Duffy, Gonzalez

030603 [Appointment, Entertainment Commission]

Motion approving the Mayor's nomination for appointment of Bruce G. Lorin to the Entertainment Commission, term to be determined. (Mayor)

Section 4.117 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved.

Transmittal date - 4/1/03.

4/7/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speaker: Bruce Lorin.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Duffy

030604 [Appointment, Entertainment Commission]

Motion rejecting the Mayor's nomination for appointment of Bruce G. Lorin to the Entertainment Commission for the term to be determined. (Mayor)

Section 4.117 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved.

Transmittal date - 4/1/03.

4/7/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speaker: Bruce Lorin.

FILED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030550 [Appointment, Entertainment Commission]

Motion approving the Mayor's nomination for appointment of Audrey Joseph to the Entertainment Commission, term to be determined. (Mayor)

Section 4.117 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved.

Transmittal date - 4/1/03.

4/7/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speaker: Audrey Joseph.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Dufty

030551 [Appointment, Entertainment Commission]

Motion rejecting the Mayor's nomination for appointment of Audrey Joseph to the Entertainment Commission for the term to be determined. (Mayor)

Section 4.117 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved.

Transmittal date - 4/1/03.

4/7/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speaker: Audrey Joseph.

FILED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030347 [Reauthorizing the Minority/Women/Local Business Utilization Ordinance]**Supervisors Ma, Newsom, Dufty**

Draft Ordinance amending the San Francisco Administrative Code by amending Chapter 12D.A. thereof (1) to extend the Minority/Women/Local Business Utilization Ordinance to June 30, 2008 in order to remedy identified discrimination against certain Prime MBE/WBE Contractors in City Contracting, to continue the City's policy of protecting Prime LBE Contractors from the economic competitive disadvantage of doing business in San Francisco, and to continue to require City contracting departments to implement MBE/WBE programs mandating Prime Contractors to use good faith efforts to use MBE/WBEs when there are subcontracting opportunities in City Contracts; (2) to repeal Sections 12D.A.6(B)(9), 12D.A.8(3) and 12D.A.9(F) to eliminate the contract set aside program; (3) to revise section 12D.A.17 to include prime general services contracts in the subcontracting program; and (4) to make various technical revisions to the Minority/Women/Local Business Utilization Ordinance to conform it with existing City ordinances and administrative practices.

3/4/03, ASSIGNED UNDER 30 DAY RULE to Finance and Audits Committee, expires on 4/3/2003.

3/28/03, TRANSFERRED to Rules Committee.

4/8/03, SUBSTITUTED. Supervisor Ma submitted a substitute draft ordinance bearing same title.

4/8/03, ASSIGNED to Rules Committee.

Heard in committee. Speakers: Ted Lakey, Deputy City Attorney; Supervisor Ma; Catherine Barnes, Deputy City Attorney; Virginia Harmon, Human Rights Commission; Malcolm Heneken, Human Rights Commission; Cindy Reutes; Barbara Scott; Doug Sheppard; Holli Thier; Darryl Bishop; Jim Haugabook; Ali Altaha; Carlos Quiros; John Lon; Tony Imperial; Todd Lewis; Moriba Stewart; Matthew Huey; Stanley Chan; Victor Marquez; Samir Messiah; Marilyn Duffey; Florence Kong; Ingrid Merriwether; Oren Sellstrom; Derek Smith; Eddy Lau; Henry Chang; Gary Gee; Gerald Greene; Bryon Ling; Ed Tong; Darlene Mar; Damon Estell; Ann Marie Cervantes; Calvin Lui; Jim Fong.

4/23/03 Amendment of the whole bearing same title.

Continued to May 7, 2003.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

CONTINUED AS AMENDED by the following vote:

Ayes: 2 - Dufty, Gonzalez

Absent: 1 - Hall

030578 [Amend Resolution No. 675-02 - Board and Committee Meetings.]**Supervisor Gonzalez**

Resolution amending Resolution No. 675-02 to provide that neither the Board of Supervisors nor any of its Committees shall convene regularly scheduled meetings during the week of the first Tuesday of each month.

4/8/03, RECEIVED AND ASSIGNED to Rules Committee. Sponsor requests that Files 030578, 030579, and 030580 be calendared at the same date.

Heard in committee. Speakers: Gloria Young, Clerk of the Board; Ted Lakey, Deputy City Attorney.

4/23/03 Amendment of the whole bearing new title.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

Resolution amending Resolution No. 675-02 to provide that neither the Board of Supervisors nor any of its Committees shall convene regularly scheduled meetings weeks when a holiday occurs, effective beginning the week of May 26, 2003, except that regularly scheduled Board and Committee meetings may be held on Monday through Wednesday of Thanksgiving week, and shall not be scheduled during the week following Thanksgiving.

RECOMMENDED AS AMENDED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030579 [Amend Rule 6.2 - Board of Committee Meetings]**Supervisor Gonzalez**

Motion amending Rule 6.2 of the Rules of Order of the Board of Supervisors to provide that neither the Board of Supervisors nor any of its Committees shall convene regularly scheduled meetings during the week of the first Tuesday of each month.

4/8/03, RECEIVED AND ASSIGNED to Rules Committee. Sponsor requests that Files 030578, 030579, and 030580 be calendared at the same date.

Heard in committee. Speakers: Gloria Young, Clerk of the Board; Ted Lakey, Deputy City Attorney.
4/23/03 Amendment of the whole bearing new title.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

Motion amending Rule 6.2 of the Rules of Order of the Board of Supervisors to provide that neither the Board of Supervisors nor any of its Committees shall convene regularly scheduled meetings during weeks when a holiday occurs, effective beginning the week of May 26, 2003, except that regularly scheduled Board and Committee meetings may be held on Monday through Wednesday of Thanksgiving week, and shall not be scheduled during the week following Thanksgiving.

RECOMMENDED AS AMENDED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030580 [Amend Rule 4.34 - Supervisors Vote and Roll Call]**Supervisor Gonzalez**

Motion amending Rule 4.34 of the Rules of Order of the Board of Supervisors to provide that the first Supervisor to be called on a vote shall be the same Supervisor who is called first on Roll Call under Rule 3.9.

4/8/03, RECEIVED AND ASSIGNED to Rules Committee. Sponsor requests that Files 030578, 030579, and 030580 be calendared at the same date.

Heard in committee. Speaker: Ted Lakey, Deputy City Attorney.
4/23/03 Amendment of the whole bearing new title.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

Motion amending Rule 4.34 of the Rules of Order of the Board of Supervisors to provide that the first Supervisor to be called on a vote shall be the same Supervisor who is called first on Roll Call under Rule 3.9, effective June 10, 2003.

RECOMMENDED AS AMENDED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030192 [Establishing San Francisco Zoo Audit Select Committee]**Supervisor Gonzalez**

Motion creating a San Francisco Zoo Audit Select Committee.

2/4/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speaker: Ted Lakey, Deputy City Attorney.

RECOMMENDED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

LITIGATION

Conference with City Attorney

(Convene in Closed Session)

Motion that the Rules Committee of the Board of Supervisors convene in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) and Administrative Code Section 67.8 (3), for the purpose of conferring with, or receiving advice from, the City Attorney regarding proposed settlements in the lawsuits or claims listed below.

Unanimous vote to convene in closed session by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030328 [Settlement of Unlitigated Claim]

Supervisor Hall

Ordinance approving settlement of an unlitigated claim by the City and County of San Francisco, acting by and through its Airport Commission, against D. Mitchell Concessions, Inc., by approving a lease of three coffee facilities in the Domestic Terminals and the main restaurant in the International Terminal, to one or more entities formed by Glenn Meyers, Dayna Meyers, and Garrett Meyers, approving the suspension of the Minimum Annual Guarantee for two Airport restaurants, waiving the competitive solicitation requirement in San Francisco Administrative Code Section 2A.173, and authorizing the Airport Director to execute agreements in furtherance of the foregoing.

2/25/03, RECEIVED AND ASSIGNED to Rules Committee.

3/12/03, CONTINUED. Heard in committee. Speakers: Ted Lakey, Deputy City Attorney.

Continued to March 26, 2003.

3/26/03, CONTINUED. Heard in committee. Speaker: Ted Lakey, Deputy City Attorney.

Continued to April 9, 2003.

4/16/03, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. 4/16/03: Amendment of the whole bearing new title.

4/16/03, CONTINUED AS AMENDED. Continued to April 23, 2003.

Heard in committee. Speakers: Ted Lakey, Deputy City Attorney; Adrian Gough, Deputy City Attorney; Dave Pffier, Deputy City Attorney.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030475 [Settlement of Lawsuit - Sohail Ali, et al.]

Ordinance authorizing settlement of the lawsuit filed by Sohail Ali against the City and County of San Francisco for \$47,500; the lawsuit was filed on April 29, 2002 in San Francisco Superior Court, Case No. 407-277; entitled Sohail Ali, et al., v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

3/27/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speaker: Ted Lakey, Deputy City Attorney.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030500 [Settlement of Lawsuit - Poppie Kouremetis]

Ordinance authorizing the City Attorney to make an offer of judgment under Federal Rule of Civil Procedure 68 of up to \$75,000 in settlement of damages, attorneys' fees, and costs in the matter of Kouremetis and County of San Francisco. The lawsuit was filed on May 13, 2002, in San Francisco Superior Court, Case No. 407852 entitled Kouremetis v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

3/27/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speaker: Ted Lakey, Deputy City Attorney.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030539 [Settlement of Lawsuit]

Ordinance authorizing settlement of the lawsuit filed by Alison Duthie and other plaintiffs against the City and County of San Francisco and other defendants for \$175,000; the lawsuit was filed on February 15, 2000 in United States District Court, Case No. C00-0539 (MEJ); entitled Alison Duthie, et al., v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

4/4/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speaker: Deputy City Attorney.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

Report on Closed Session

Deputy City Attorney Ted Lakey reported that the Rules Committee has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) and Administrative Code Section 67.8 (3), for the purpose of conferring with, or receiving advice from, the City Attorney regarding settlements in the lawsuits or claims listed above.

[Elect Not to Disclose]

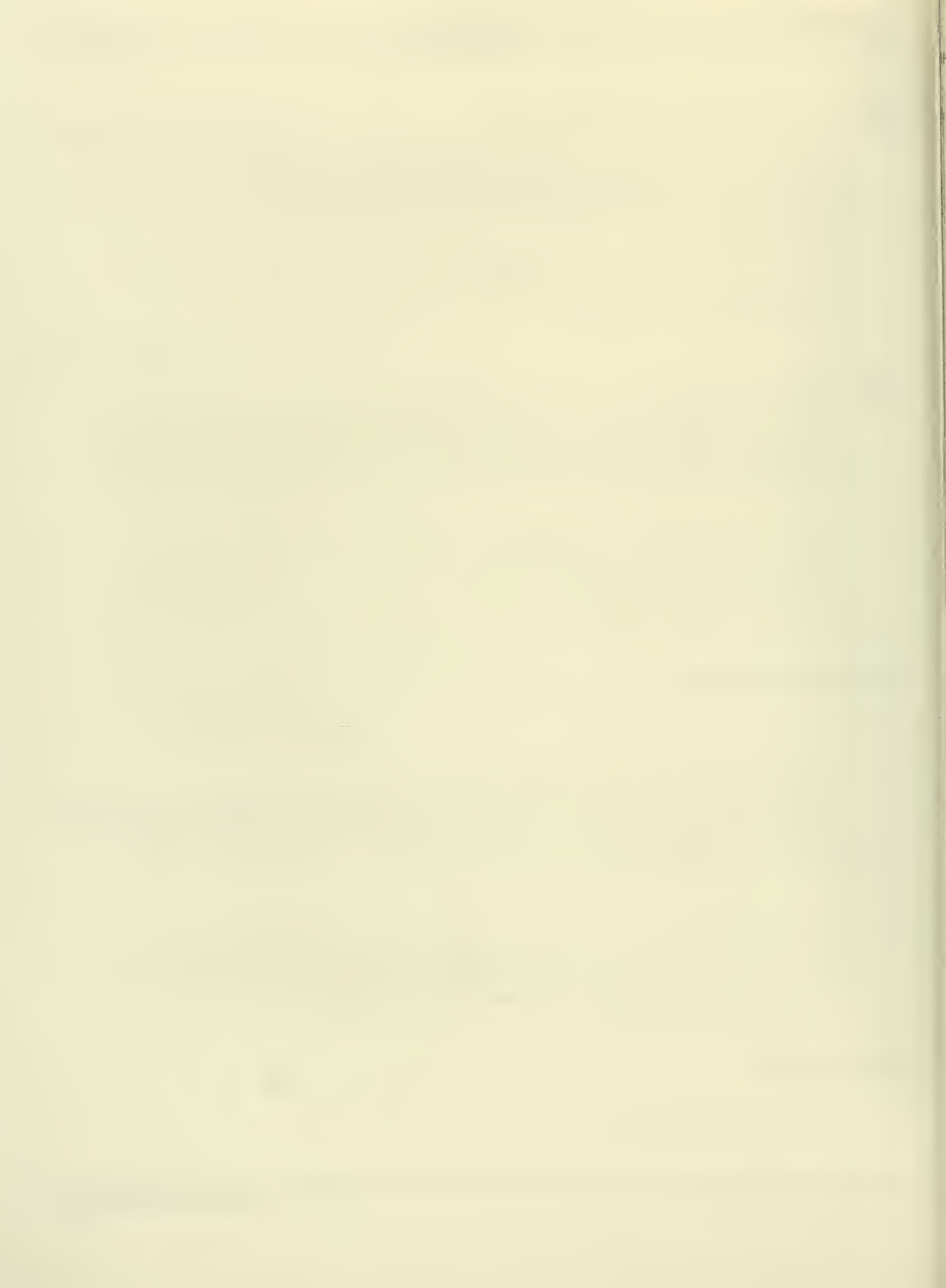
Motion that the Committee finds that it is in the best interest of the public that the Committee elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.

Unanimous vote not to disclose discussion to the public by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

ADJOURNMENT

The meeting adjourned at 4:08 p.m.





City and County of San Francisco

Meeting Minutes

Rules Committee

Members: Tony Hall, Bevan Dufty and Matt Gonzalez

Clerk: Deborah Muccino

City Hall
1 Dr. Carlton B.
Goodlett Place
San Francisco, CA
94102-4689

Wednesday, April 30, 2003

9:30 AM

City Hall, Room 263

Regular Meeting

Members Present: Tony Hall, Bevan Dufty, Matt Gonzalez.

MEETING CONVENED

DOCUMENTS DEPT.

MAY - 2 2003

SAN FRANCISCO
PUBLIC LIBRARY

The meeting convened at 9:46 a.m.

022056 [Appointment]

Hearing to consider appointing four members to the Graffiti Advisory Board.

4 Seats Being Considered:

Vacant seat, new position, seat 2, must represent the Youth Court, for an indefinite term;

Vacant seat, new position, seat 3, must represent Youth Groups who provide services for juveniles involved in alternative programs for graffiti diversion, for an indefinite term;

Vacant seat, new position, seat 12, (non-voting member) must represent neighborhood organizations from varying districts in San Francisco, for an indefinite term.

Vacant seat, new position, seat 14, (non-voting member) must represent neighborhood organizations from varying districts in San Francisco, for an indefinite term.

12/17/02, RECEIVED AND ASSIGNED to Rules and Audits Committee

12/17/02, CONTINUED TO CALL OF THE CHAIR. Divided from File No. 021890.

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

4/8/03, CLERICAL CORRECTION. Added seat 12, new position, for an indefinite term.

Heard in committee: Speakers: Nino Parker, applicant: Ted Lakey, Deputy City Attorney: William Hollabaugh. Appointment of Nino Parker, seat 3, William Kenneth Cleaveland, seat 12 and Gideon Kramer seat 14, recommended. Seat 2 unfilled

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Nino Parker, William Kenneth Cleaveland and Gideon Kramer, terms indefinite, to the Graffiti Advisory Board.

Nino Parker, new position, seat 3, must represent Youth Groups who provide services for juveniles involved in alternative programs for graffiti diversion, for an indefinite term.

William Kenneth Cleaveland, new position, seat 12, (non-voting member) must represent neighborhood organizations from varying districts in San Francisco, for an indefinite term.

Gideon Kramer, new position, seat 14, (non-voting member) must represent neighborhood organizations from varying districts in San Francisco, for an indefinite term.

RECOMMENDED, by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030560 [Appointment]

Hearing to consider appointing six members to the Commission on the Aging Advisory Council.

6 Seats Being Considered.

Vacant Seat, succeeding Reeva Olson, resigned, seat 3, must be nominee of Supervisor Maxwell, for the unexpired portion of a two-year term ending March 31, 2004.

Vacant Seat, succeeding Reeva Olson, term expired, seat 6, must be nominee of Supervisor Hall, for the unexpired portion of a two-year term ending March 31, 2004.

Vacant Seat, succeeding Tsuyako Kitashima, term expired, seat 8, must be nominee of Jake McGoldrick, for a two-year term ending March 31, 2005.

Vacant Seat, succeeding Leonard Ke, term expired, seat 9, must be nominee of Gerardo Sandoval, for a two-year term ending March 31, 2005.

Vacant Seat, succeeding Roger Langford, term expired, seat 10, must be nominee of Matt Gonzalez, for a two-year term ending March 31, 2005.

Vacant Seat, succeeding William Hollabaugh, term expired, seat 11, must be nominee of Tom Ammiano, for a two-year term ending March 31, 2005.

4/1/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee: Speakers: Cathy Russo, applicant; Leonard Ke, applicant; William Hollabaugh, applicant. Appointment of Cathy Russo, seat 6, Leonard Ke, seat 9 and William Hollabaugh seat 11, recommended. Seats 3, 8 and 10 unfilled.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Cathy Russo, term ending March 31, 2004; Leonard Ke and William Hollabaugh terms ending March 31, 2005, to the Commission on the Aging Advisory Council.

Cathy Russo, succeeding Reeva Olson, term expired, seat 6, must be nominee of Supervisor Hall, for the unexpired portion of a two-year term ending March 31, 2004.

Leonard Ke, succeeding himself, term expired, seat 9, must be nominee of Gerardo Sandoval, for a two-year term ending March 31, 2005.

William Hollabaugh, succeeding himself, term expired, seat 11, must be nominee of Tom Ammiano, for a two-year term ending March 31, 2005.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Duffy, Gonzalez

ADJOURNMENT

The meeting adjourned at 10:17 a.m.

7.84
103
CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

May 1, 2003

TO: Rules Committee

FROM: Budget Analyst

SUBJECT: May 7, 2003 Rules Committee Meeting

DOCUMENTS DEPT.

MAY - 5 2003

SAN FRANCISCO
PUBLIC LIBRARY

Items 4 and 5 - File 03-0423 and 03-0426

Items:

File 03-0423: Ordinance amending the San Francisco Administrative Code by adding Section 2A.240, to list the powers and duties of the Small Business Commission, and by repealing Sections 5.120, 5.121, and 5.122, dealing with the existing Small Business Commission, and by re-numbering Section 10.100-129 as Section 10.100-333, and providing that the ordinance shall only take effect if a Charter Amendment, creating a Small Business Commission, is adopted at the November 2003 election.

File 03-0426: Charter Amendment to amend the City's Charter by adding Section 4.134, to establish a Small Business Commission.

Description:

The proposed Charter Amendment and ordinance would establish the Small Business Commission as a separate Department, rather than the current organization of the Small Business Commission, which is under the Mayor's Office of Economic Development.

If approved by the San Francisco voters in the November of 2003 election, the proposed Charter Amendment would stipulate that the Small Business Commission would consist of seven members, four appointed by the Mayor and three appointed by the Board of Supervisors. The Mayor shall designate two of his or her four appointments to serve for two-year terms and the Board of Supervisors shall designate one of its three appointments to serve a two-year term. Thereafter, all Commissioners, appointed by the Mayor or the Board of Supervisors, would serve for four-year terms. Additionally, the proposed Charter Amendment stipulates that at least six of the seven members appointed to the Small Business Commission shall be owners, operators or officers of small businesses in the City. One member of the Commission may be an officer or representative of a "neighborhood-serving not-for-profit organization."

Currently, all seven members of the Small Business Commission are appointed by, and serve at the pleasure of the Mayor. There are currently no stipulations about whether the members have to be owners, operators or officers of a small business.

Comments:

1. The FY 2002-2003 annual budget for the existing Small Business Commission is \$447,623. The Small Business Commission currently has 2.0 FTEs, including a 1.0 FTE 0923 Manager II, and a 1.0 FTE 1365 Special Assistant. According to Mr. Seth Steward of the Small Business Commission, due to a salary surplus, the Small Business Commission has funded a temporary position (9910) in FY 2002-2003, but the position will not be continued in FY 2003-2004 due to budgetary constraints.

2. As shown in the Attachment provided by Mr. Steward, Mr. Steward estimates that the increased annual costs to establish the proposed Small Business Commission would be \$176,733. In addition, there would be estimated one-time costs of \$31,850. As noted in the Attachment, there would be two new positions. The estimated annual costs of \$176,733 would be in addition to the Small Business Commission's existing annual budget of \$447,623. Therefore, the total annual costs, according to Mr. Steward, would be \$624,356, an increase of \$176,733 over

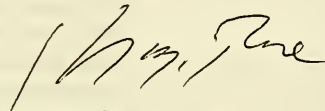
the existing costs. The Budget Analyst notes that the proposed Charter Amendment and proposed Ordinance do not require that the existing Small Business Commission be relocated or that new positions be created. However, according to Mr. Steward, it is his understanding that a new Small Business Commission would be relocated to leased office space outside of City Hall. Regarding the estimated costs shown in the Attachment, Mr. Steward advises that the rental costs of \$24 per square foot per year were provided by Mr. Steve Legnitto of the Real Estate Department, and the Department of Telecommunication and Information Systems (DTIS) estimates were provided by Mr. Joe Armenta. As shown in the Attachment, Mr. Steward states that it is his understanding that the new Small Business Commission would need two new positions including one new 1842 Management Assistant, to manage new programs and tasks outlined in the proposed legislation, including the collection and analysis of information about the small business economy in San Francisco, and one new Office Manager to manage the office, services which are currently provided by the Office Manager in the Mayor's Office of Economic Development. These two new positions would be in addition to the existing two positions currently working in the Small Business Commission.

3. The Budget Analyst notes that neither the proposed Ordinance nor the Charter Amendment require that the Small Business Commission physically move out of its existing space in City Hall, in the Mayor's Office of Economic Development, or that any new positions be created. As such, the Budget Analyst notes that if the Small Business Commission's office physically remains in the Mayor's Office of Economic Development and, if the number of positions currently working in the Small Business Commission is not increased, all of the additional one-time costs, totaling \$31,850, and all of the estimated increased ongoing costs of \$176,733, as reported by Mr. Steward, would not be necessary. Therefore, except for inflation, there would be no additional costs if the Small Business Commission does not relocate and no additional positions are created.

4. The Controller's estimated costs for the proposed Charter Amendment were not available as of the writing of this report. However, according to Ms. Peg Stevenson of the Controller's Office, the Controller's estimated costs will not include additional positions or moving costs.

5. At the meeting of April 14, 2003 held by the Small Business Commission, the Commissioners, with one Commissioner absent, voted 3-3 on the proposed Ordinance and Charter Amendment, and agreed to revisit the matter at the next scheduled meeting on April 29, 2003. However, the Small Business Commission meeting was cancelled on April 29, 2003 due to lack of a quorum.

Recommendation: Approval of the proposed ordinance and Charter Amendment are policy matters for the Board of Supervisors.



Harvey M. Rose

cc: Supervisor Hall
Supervisor Dufty
President Gonzalez
Clerk of the Board
Controller
Ben Rosenfield
Ted Lakey

Budget Estimates - Small Business Commission -

New Costs in addition to the Small Business Commission's \$447,623 annual budget

One time costs:

I. Moving costs	
a. New Cubicles	\$ 12,000
b. Moving costs	\$ 750
II. DTIS One-time costs	<u>\$ 19,100</u>

TOTAL ONE TIME ESTIMATED COSTS	\$ 31,850
--------------------------------	-----------

Ongoing Costs:

I. Rent of 1200 square foot space (@ 24\$ per sq foot)	\$	28,800	annually
II. 1.0 FTE Management Assistant (1842*)	\$	61,958	annually
Fringe (@ 25 %)	\$	15,490	
III. 1.0 FTE Office Manager (equivalent to a 1365 Special Assistant*)	\$	53,508	annually
Fringe (@ 25 %)	\$	13,377	
IV. Copier rental/lease	\$	3,600	annually

TOTAL ONGOING ESTIMATED COSTS	\$ 176,733 annually
-------------------------------	---------------------

Total One-time and Ongoing Estimated Costs	\$ 208,583
--	------------

*The two position estimates use the high end of the pay step

Source: Seth Steward, Small Business Commission



City and County of San Francisco

Meeting Minutes

Rules Committee

Members: Tony Hall, Bevan Dufty and Matt Gonzalez

Clerk: Deborah Muccino

City Hall
1 Dr. Carlton B.
Goodlett Place
San Francisco, CA
94102-4689

Wednesday, May 07, 2003

9:30 AM

City Hall, Room 263

Regular Meeting

Members Present: Tony Hall, Bevan Dufty, Matt Gonzalez.

DOCUMENTS DEPT.

MAY 9 2003

SAN FRANCISCO
PUBLIC LIBRARY

MEETING CONVENED

The meeting convened at 9:45 a.m.

030744 [Appointment]

Hearing to consider appointing one member to the Pedestrian Safety Advisory Committee.

1 seat being considered.

Vacant seat, new position, seat 8, must be a representative from a child advocate or school support organization for a two-year term (ending date to be determined).

4/28/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Ancel Martinez; Sylvia Johnson. Appointment of Ancel Martinez, seat 8, recommended.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Ancel Martinez, term ending date to be determined, to the Pedestrian Safety Advisory Committee.

Ancel Martinez, new position, seat 8, must be a representative from a child advocate or school support organization for a two-year term (ending date to be determined).

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030347 [Reauthorizing the Minority/Women/Local Business Utilization Ordinance]**Supervisors Ma, Newsom, Dufty**

Draft Ordinance amending the San Francisco Administrative Code by amending Chapter 12D.A. thereof (1) to extend the Minority/Women/Local Business Utilization Ordinance to June 30, 2008 in order to remedy identified discrimination against certain Prime MBE/WBE Contractors in City Contracting, to continue the City's policy of protecting Prime LBE Contractors from the economic competitive disadvantage of doing business in San Francisco, and to continue to require City contracting departments to implement MBE/WBE programs mandating Prime Contractors to use good faith efforts to use MBE/WBEs when there are subcontracting opportunities in City Contracts; (2) to repeal Sections 12D.A.6(B)(9), 12D.A.8(3) and 12D.A.9(F) to eliminate the contract set aside program; (3) to revise section 12D.A.17 to include prime general services contracts in the subcontracting program; and (4) to make various technical revisions to the Minority/Women/Local Business Utilization Ordinance to conform it with existing City ordinances and administrative practices.

3/4/03, ASSIGNED UNDER 30 DAY RULE to Finance and Audits Committee, expires on 4/3/2003.

3/28/03, TRANSFERRED to Rules Committee.

4/8/03, SUBSTITUTED. Supervisor Ma submitted a substitute draft ordinance bearing same title.

4/8/03, ASSIGNED to Rules Committee.

4/23/03, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in committee. Speakers: Ted Lakey, Deputy City Attorney; Supervisor Ma; Catherine Barnes, Deputy City Attorney; Virginia Harmon, Human Rights Commission; Malcolm Heneken, Human Rights Commission; Cindy Reutes; Barbara Scott; Doug Sheppard; Holli Thier; Darryl Bishop; Jim Haugabook; Ali Altaha; Carlos Quiros; John Lon; Tony Imperial; Todd Lewis; Moriba Stewart; Matthew Huey; Stanley Chan; Victor Marquez; Samir Messiah; Marilyn Duffey; Florence Kong; Ingrid Merriwether; Oren Sellstrom; Derek Smith; Eddy Lau; Henry Chang; Gary Gee; Gerald Greene; Bryon Ling; Ed Tong; Darlene Mar; Damon Estell; Ann Marie Cervantes; Calvin Lui; Jim Fong.

4/23/03 Amendment of the whole bearing same title.

Continued to May 7, 2003.

4/23/03, CONTINUED AS AMENDED.

Heard in committee. Speakers: Supervisor Ma; Ted Lakey, Deputy City Attorney; Virginia Harmon, Human Rights Commission; Dr. John Wainwright; Roel Villacarlos, Mayor's Office of Housing; Cathy Barnes, Deputy City Attorney; Atif Anmar; Adonis Asantena; Tariq Aysad; Marianne Bennett; Ali Altaha; Miguel Galarza; Lou Thelemaque; Brian Rodrigues; Jesse Mason; Marie Anzari; Midge Santora; Jeanette Jones; Gary Gee.

Continued to May 14, 2003.

CONTINUED by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 1 - Gonzalez

030684 [Board of Supervisors/Clerk of the Board's Annual Budget]**Supervisor Daly**

Motion adding Rules 6.23 and 6.24 to the Rules of Order of the Board of Supervisors to provide a process for review and approval of the Board of Supervisors/Clerk of the Board's annual budget prior to submission to the Mayor.

4/22/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Bill Barnes, Aide to Supervisor Daly; Gloria Young, Clerk of the Board.

RECOMMENDED by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 1 - Gonzalez

030423 [Establishing the powers and duties of the Small Business Commission]

Ordinance amending the San Francisco Administrative Code by adding Section 2A.240, to list the powers and duties of the Small Business Commission, and by repealing Sections 5.120, 5.121, and 5.122, dealing with the former Small Business Commission, and by re-numbering Section 10.100-129 as Section 10.100-333, and providing that the ordinance shall only take effect if a charter amendment creating a Small Business Commission in the Charter is adopted at the November 2003 election.

(Fiscal impact: Companion measure to File 030426.)

.Amendment

(3/25/03 in Board: Supervisor Daly submitted a substitute ordinance, correcting an error in the short title.)

3/18/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 4/17/2003.

3/25/03, SUBSTITUTED. Supervisor Daly submitted a substitute ordinance, correcting an error in the short title.

3/25/03, ASSIGNED to Rules Committee.

3/28/03, REFERRED TO DEPARTMENT. Referred to Small Business Commission.

Heard in committee. Speakers: Bill Barnes, Aide to Supervisor Daly; Ken Bruce, Budget Analyst's Office; Seth Steward, Small Business Commission; Gwen Kaplan, Small Business Commissioner; Dave Sayhagan, Small Business Commissioner; Male Speaker; Rolf Mueller; Clifford Waldeck; Steven Cornell, Small Business Commissioner; Sue Danielson; Rebecca Silverberg; Male Speaker; Scott Hauke; Saif Salman; Ali Altaha; Bruce Wagner; Pat Christensen; Michal O'Connell; Supervisor Daly; Ted Lakey, Deputy City Attorney. Continued to May 14, 2003.

CONTINUED by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 1 - Gonzalez

030426 [Charter Amendment - Creating a Small Business Commission]

Supervisors Daly, Peskin

Charter amendment (First Draft) to amend the Charter by adding Section 4.134 to establish a Small Business Commission.

3/18/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 4/15/2003.

Heard in committee. Speakers: Bill Barnes, Aide to Supervisor Daly; Ken Bruce, Budget Analyst's Office; Seth Steward, Small Business Commission; Gwen Kaplan, Small Business Commissioner; Dave Sayhagan, Small Business Commissioner; Male Speaker; Rolf Mueller; Clifford Waldeck; Steven Cornell, Small Business Commissioner; Sue Danielson; Rebecca Silverberg; Male Speaker; Scott Hauke; Saif Salman; Ali Altaha; Bruce Wagner; Pat Christensen; Michal O'Connell; Supervisor Daly; Ted Lakey, Deputy City Attorney. Superiors Dufty, Gonzalez and Hall requested to be added as co-sponsors.

5-7-03 Amendment of the whole bearing same title.

Continued to May 14, 2003.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

Charter amendment (Second Draft) to amend the Charter by adding Section 4.134 to establish a Small Business Commission.

CONTINUED AS AMENDED by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 1 - Gonzalez

Conference with City Attorney

(Convene in Closed Session)

Motion that the Rules Committee of the Board of Supervisors convene in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) and Administrative Code Section 67.8 (3), for the purpose of conferring with, or receiving advice from, the City Attorney regarding proposed settlements in the lawsuits or claims listed below.

Unanimous vote to convene in closed session by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 1 - Gonzalez

030598 [Settlement of Claim]

Resolution approving the settlement of the unlitigated claim filed by Farmers Insurance Company as subrogee of Yuk Wah Shung against San Francisco; claim was filed on January 21, 2003. (City Attorney)

(Public Benefit Recipient.)

4/14/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speaker: Ted Lakey, Deputy City Attorney.

RECOMMENDED.. by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 1 - Gonzalez

030596 [Settlement of Lawsuit]

Ordinance approving settlement of litigation of City and County of San Francisco against Nishkian & Associates for \$40,000. (City Attorney)

(Public Benefit Recipient.)

4/11/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Ted Lakey, Deputy City Attorney; Mark Greenman, Deputy City Attorney.

RECOMMENDED.. by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 1 - Gonzalez

030703 [Settlement of Lawsuit - Sherri Cytanovich]

Ordinance authorizing settlement of the lawsuit filed by Sherri Cytanovich against the City and County of San Francisco for \$100,000; the lawsuit was filed on December 8, 2001 in San Francisco Superior Court, Case No. 401-091; entitled Sherri Cytanovich, et al., v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

4/28/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speaker: Ted Lakey, Deputy City Attorney. To Board as a committee report 5/13/03.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 1 - Gonzalez

Report on Closed Session

Deputy City Attorney Ted Lakey reported that the Rules Committee has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) and Administrative Code Section 67.8 (3), for the purpose of conferring with, or receiving advice from, the City Attorney regarding settlements in the lawsuits or claims listed above.

[Elect Not to Disclose]

Motion that the Committee finds that it is in the best interest of the public that the Committee elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.

Unanimous vote not to disclose discussion to the public by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 1 - Gonzalez

ADJOURNMENT

The meeting adjourned at 12:56 p.m.



City and County of San Francisco

Meeting Minutes

Rules Committee

Members: Tony Hall, Bevan Dufty and Matt Gonzalez

Clerk: Deborah Muccino

[All Committees]
Government Document Section
Main Library

94102-4689

Wednesday, May 14, 2003

9:30 AM

City Hall, Room 263

Regular Meeting

Members Present: Tony Hall, Bevan Dufty, Matt Gonzalez.

DOCUMENTS DEPT.

MAY 19 2003

SAN FRANCISCO
PUBLIC LIBRARY

MEETING CONVENED.

The meeting convened at 9:35 a.m.

030716 [Confirming the appointment of Sue Bierman to the San Francisco Port Commission]

Resolution confirming the appointment of Sue Bierman to the San Francisco Port Commission, to serve the remaining four-year term, ending May 1, 2006. (Mayor)

4/29/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. To Board as a Committee Report, Tuesday, May 20, 2003. Speakers: Sue Bierman, nominee; Helynna L. Brooke, Executive Director, member of National Women's Political Caucus and Women's Leadership Alliance; Frank Riley, International Longshore and Warehouse Union Local 34; Sylvia Johnson; William Lindo; Ted Lakey, Deputy City Attorney, City Attorney's Office; Karin Carlson, Mayor's Office; Jennifer Clary, President, San Francisco Tomorrow and Waterfront Chair. Appointment of Sue Bierman, Recommended.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030723 [Confirming the appointment of Michela Alioto-Pier to the San Francisco Port Commission]

Resolution confirming the appointment of Michela Alioto-Pier to the San Francisco Port Commission, to serve the remaining four-year term, ending May 1, 2004. (Mayor)

4/29/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. To Board as a Committee Report, Tuesday, May 20, 2003. Speakers: Michela Alioto-Pier, nominee; Peter Fatooh; Sylvia Johnson; Karin Carlson, Mayor's Office; Frank Riley, International Longshore and Warehouse Union Local 34; Sylvia Johnson; William Lindo; Ted Lakey, Deputy City Attorney, City Attorney's Office; Karin Carlson, Mayor's Office; Jennifer Clary, President, San Francisco Tomorrow and Waterfront Chair. Appointment of Michela Alioto-Pier Recommended.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030728 [Confirming the appointment of Wilfred Hsu to the San Francisco Port Commission]

Resolution confirming the appointment of Wilfred Hsu to the San Francisco Port Commission, to serve the remaining four-year term, ending May 1, 2006. (Mayor)

4/29/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. To Board as a Committee Report, Tuesday, May 20, 2003. Speakers: Wilfred Hsu, nominee; Frank Riley, International Longshore and Warehouse Union Local 34; Sylvia Johnson; William Lindo; Ted Lakey, Deputy City Attorney, City Attorney's Office; Karin Carlson, Mayor's Office; Jennifer Clary, President, San Francisco Tomorrow and Waterfront Chair; Alan Robner; Supervisor Bevan Dufty for Supervisor Fiona Ma. Appointment of Wilfred Hsu, Recommended.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030685 [Appointment - Director of Citizen Complaints]

Mayor

Resolution confirming the appointment of Kevin Allen to the position of Director of Citizen Complaints (OCC). (Mayor)

4/22/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. To Board as a Committee Report, Tuesday, May 20, 2003. Speaker: Kevin Allen, nominee. Appointment of Kevin Allen Recommended.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030264 [Appointment]

Hearing to consider appointing three members to the Mental Health Board.

3 Seats Being Considered

Vacant seat, succeeding Richard Nizzardini, resigned, seat 15, must be a health professional; for the unexpired portion of a three year term ending January 31, 2004.

Vacant seat, succeeding Dennis Yun, term expired, seat 12, must be a consumer; for the unexpired portion of a three year term ending January 31, 2006.

Vacant seat, succeeding Dorothy Shaffer, term expired, seat 16, must be a family member; for the unexpired portion of a three year term ending January 31, 2006.

2/13/03, RECEIVED AND ASSIGNED to Rules Committee.

3/11/03, CLERICAL CORRECTION. Added seat 12, succeeding Dennis Yun, term expired 1/31/03 and added seat 16, succeeding Dorothy Shaffer, term expired 1/31/03.

Heard in Committee. Speakers: Dennis Yun, applicant; Helynn L. Brooke, Executive Director, Mental Health Board for Dorothy Shaffer, applicant; Helynn L. Brooke, Executive Director, Mental Health Board. Appointment of Dennis Yun, seat 12 and Dorothy Shaffer, seat 16 Recommended. Seat 15 unfilled.

PREPARED IN COMMITTEE AS A RESOLUTION by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

Resolution appointing Dennis Yun and Dorothy Shaffer, term ending January 31, 2006 to the Mental Health Board.

Dennis Yun, succeeding Dennis Yun, term expired, seat 12, must be a consumer; for the unexpired portion of a three year term ending January 31, 2006.

Dorothy Shaffer, succeeding Dorothy Shaffer, term expired, seat 16, must be a family member; for the unexpired portion of a three year term ending January 31, 2006.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030263 [Appointment]

Hearing to consider appointing four members to the Animal Control and Welfare Commission.

4 Seats Being Considered

Vacant Seat, succeeding Elissa Eckman, term expired, seat 3, must be a member representing the general public having interest and experience in animal matters; for a two year term ending April 30, 2005.

Vacant Seat, succeeding June Wilson, term expired, seat 4, must be a member representing the general public having interest and experience in animal matters; for a two year term ending April 30, 2005.

Vacant Seat, succeeding Sherri Franklin, term expired, seat 5, must be a member representing the general public having interest and experience in animal matters; for a two year term ending April 30, 2005.

Vacant Seat, succeeding Cheryl Bently, resigned, seat 6, must be a member representing the general public having interest and experience in animal matters; for a two year term ending April 30, 2005.

2/13/03, RECEIVED AND ASSIGNED to Rules Committee.

3/27/03, CLERICAL CORRECTION. Added seat 3, succeeding Elissa Eckman, term expired April 30, 2003; seat 4, succeeding June Wilson, term expired April 30, 2003; seat 5, succeeding Sherri Franklin, term expired April 30, 2003.

Heard in Committee. Speakers: Elissa Eckman, applicant; Sherri Franklin, applicant; Jane Greenwald, applicant; Richard Fong, applicant; Chin Chi, applicant; Christine Garcia, applicant; Gloria Rogan, applicant; Susan Kendall Wheeler, applicant; Nate BeMiller, applicant; Linda Yacobucci reading a statement for Nancy Wuerfel; Linda Yacobucci; Colm O' Riati; Sylvia Johnson; Bud Wilson, Greater West Portal Neighborhood Association; Female Speaker; Male Speaker; Martha Hoffman; Shaun Fletcher. Appointment of Elissa Eckman, seat 3; Chin Chi, seat 4; Sherri Franklin, seat 5; Susan Kendall Wheeler, seat 6; Recommended.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Elissa Eckman, Chin Chi, Sherri Franklin and Susan Kendall Wheeler, term ending April 30, 2005, to the Animal Control and Welfare Commission.

Elissa Eckmann, succeeding Elissa Eckman, term expired, seat 3, must be a member representing the general public having interest and experience in animal matters; for a two year term ending April 30, 2005.

Chin Chi, succeeding June Wilson, term expired, seat 4, must be a member representing the general public having interest and experience in animal matters; for a two year term ending April 30, 2005.

Sherri Franklin, succeeding Sherri Franklin, term expired, seat 5, must be a member representing the general public having interest and experience in animal matters; for a two year term ending April 30, 2005.

Susan Kendall Wheeler, succeeding Cheryl Bently, resigned, seat 6, must be a member representing the general public having interest and experience in animal matters; for a two year term ending April 30, 2005.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

**030347 [Reauthorizing the Minority/Women/Local Business Utilization Ordinance]
Supervisors Ma, Newsom, Dufty, Maxwell**

Draft Ordinance amending the San Francisco Administrative Code by amending Chapter 12D.A. thereof (1) to extend the Minority/Women/Local Business Utilization Ordinance to June 30, 2008 in order to remedy identified discrimination against certain Prime MBE/WBE Contractors in City Contracting, to continue the City's policy of protecting Prime LBE Contractors from the economic competitive disadvantage of doing business in San Francisco, and to continue to require City contracting departments to implement MBE/WBE programs mandating Prime Contractors to use good faith efforts to use MBE/WBEs when there are subcontracting opportunities in City Contracts; (2) to repeal Sections 12D.A.6(B)(9), 12D.A.8(3) and 12D.A.9(F) to eliminate the contract set aside program; (3) to revise section 12D.A.17 to include prime general services contracts in the subcontracting program; and (4) to make various technical revisions to the Minority/Women/Local Business Utilization Ordinance to conform it with existing City ordinances and administrative practices.

3/4/03, ASSIGNED UNDER 30 DAY RULE to Finance and Audits Committee, expires on 4/3/2003.

3/28/03, TRANSFERRED to Rules Committee.

4/8/03, SUBSTITUTED. Supervisor Ma submitted a substitute draft ordinance bearing same title.

4/8/03, ASSIGNED to Rules Committee.

4/23/03, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in committee. Speakers: Ted Lakey, Deputy City Attorney; Supervisor Ma; Catherine Barnes, Deputy City Attorney; Virginia Harmon, Human Rights Commission; Malcolm Hencken, Human Rights Commission; Cindy Reutes; Barbara Scott; Doug Sheppard; Holli Thier; Darryl Bishop; Jim Haugabook; Ali Altaha; Carlos Quiros; John Lon; Tony Imperial; Todd Lewis; Moriba Stewart; Matthew Huey; Stanley Chan; Victor Marquez; Samir Messiah; Marilyn Duffey; Florence Kong; Ingrid Merriwether; Oren Sellstrom; Derek Smith; Eddy Lau; Henry Chang; Gary Gee; Gerald Greene; Bryon Ling; Ed Tong; Darlene Mar; Damon Estell; Ann Marie Cervantes; Calvin Lui; Jim Fong.

4/23/03 Amendment of the whole bearing same title.

Continued to May 7, 2003.

4/23/03, CONTINUED AS AMENDED.

5/7/03, CONTINUED. Heard in committee. Speakers: Supervisor Ma; Ted Lakey, Deputy City Attorney; Virginia Harmon, Human Rights Commission; Dr. John Wainwright; Roel Villacarlos, Mayor's Office of Housing; Cathy Barnes, Deputy City Attorney; Atif Anmar; Adonis Asantena; Tariq Aysad; Marianne Bennett; Ali Altaha; Miguel Galarza; Lou Thelemaque; Brian Rodrigues; Jesse Mason; Marie Anzari; Midge Santora; Jeanette Jones; Gary Gee. Continued to May 14, 2003.

Heard in Committee. To Board as a Committee Report Tuesday, May 20, 2003. Speakers: Supervisor Fiona Ma; Teresa Stricker, Deputy City Attorney, City Attorney's Office; Helynn L. Brooke; Sylvia Johnson; Gerald Green, Alliance for Equity.

Amendment of the Whole bearing new title.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

Ordinance amending the San Francisco Administrative Code by amending Chapter 12D.A. thereof (1) to extend the Minority/Women/Local Business Utilization Ordinance to June 30, 2008 in order to continue to remedy identified discrimination against certain Prime MBE/WBE Contractors in City Contracting, to continue the City's policy of protecting Prime LBE Contractors from the economic competitive disadvantage of doing business in San Francisco, and to continue to remedy identified discrimination against certain MBE/WBE subcontractors in City Contracting by requiring City Prime Contractors to use good faith efforts to provide MBE/WBEs with opportunities to compete for City subcontracts; (2) to repeal Sections 12D.A.6(B)(9), 12D.A.8(3) and 12D.A.9(F) to eliminate the contract set aside program; (3) to revise section 12D.A.17 to include prime general services contracts in the subcontracting program; (4) to increase the economic thresholds under which disadvantaged professional service, architectural and engineering, specialty construction, and supplier firms can qualify for the remedial programs of this ordinance; (5) to preclude businesses owned by full time City employees and officers from becoming certified as an MBE, WBE or LBE; and (6) to make various technical revisions to the Minority/Women/Local Business Utilization Ordinance to conform it with existing City ordinances and administrative practices.

RECOMMENDED AS AMENDED AS A COMMITTEE REPORT by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030423 [Establishing the powers and duties of the Small Business Commission]

Ordinance amending the San Francisco Administrative Code by adding Section 2A.240, to list the powers and duties of the Small Business Commission, and by repealing Sections 5.120, 5.121, and 5.122, dealing with the former Small Business Commission, and by re-numbering Section 10.100-129 as Section 10.100-333, and providing that the ordinance shall only take effect if a charter amendment creating a Small Business Commission in the Charter is adopted at the November 2003 election.

(Fiscal impact; Companion measure to File 030426.)

.Amendment

(3/25/03 in Board: Supervisor Daly submitted a substitute ordinance, correcting an error in the short title.)

3/18/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 4/17/2003.

3/25/03, SUBSTITUTED. Supervisor Daly submitted a substitute ordinance, correcting an error in the short title.

3/25/03, ASSIGNED to Rules Committee.

3/28/03, REFERRED TO DEPARTMENT. Referred to Small Business Commission.

5/7/03, CONTINUED. Heard in committee. Speakers: Bill Barnes, Aide to Supervisor Daly; Ken Bruce, Budget Analyst's Office; Seth Steward, Small Business Commission; Gwen Kaplan, Small Business Commissioner; Dave Sayhagan, Small Business Commissioner; Male Speaker: Rolf Mueller; Clifford Waldeck; Steven Cornell, Small Business Commissioner; Sue Danielson; Rebecca Silverberg; Male Speaker; Scott Hauke; Saif Salman; Ali Altaia; Bruce Wagner; Pat Christensen; Michal O'Connell; Supervisor Daly; Ted Lakey, Deputy City Attorney.

Continued to May 14, 2003.

Speakers: None.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 3 - Hall, Duffy, Gonzalez

030426 [Charter Amendment - Creating a Small Business Commission]

Supervisors Daly, Peskin, Duffy, Gonzalez, Hall

Charter amendment (Second Draft) to amend the Charter by adding Section 4.134 to establish a Small Business Commission.

3/18/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 4/15/2003.

5/7/03, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in committee. Speakers: Bill Barnes, Aide to Supervisor Daly; Ken Bruce, Budget Analyst's Office; Seth Steward, Small Business Commission; Gwen Kaplan, Small Business Commissioner; Dave Sayhagan, Small Business Commissioner; Male Speaker: Rolf Mueller; Clifford Waldeck; Steven Cornell, Small Business Commissioner; Sue Danielson; Rebecca Silverberg; Male Speaker: Scott Hauke; Saif Salman; Ali Altaia; Bruce Wagner; Pat Christensen; Michal O'Connell; Supervisor Daly; Ted Lakey, Deputy City Attorney. Supervisors Duffy, Gonzalez and Hall requested to be added as co-sponsors.

5-7-03 Amendment of the whole bearing same title.

Continued to May 14, 2003.

5/7/03, CONTINUED AS AMENDED.

Heard in Committee. Speakers: Seth Steward, Director, Small Business Commission; Stephen Cornell, President, Small Business Commission; Ted Lakey, Deputy City Attorney, City Attorney's Office.

RECOMMENDED by the following vote:

Ayes: 3 - Hall, Duffy, Gonzalez

ADJOURNMENT

The meeting adjourned at 12:30 p.m.

84
103
CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

May 8, 2003

TO: Rules Committee

DOCUMENT

FROM: Budget Analyst

MAY 16 2003

SUBJECT: May 14, 2003 Rules Committee Meeting

SAN FRANCISCO
PUBLIC LIBRARY

Items 8 and 9 - File 03-0423 and 03-0426

Note: These items were amended and continued by the Rules Committee at its meeting of May 7, 2003.

Items:

File 03-0423: Ordinance amending the San Francisco Administrative Code by adding Section 2A.240, to list the powers and duties of the Small Business Commission, and by repealing Sections 5.120, 5.121, and 5.122, dealing with the existing Small Business Commission, and by re-numbering Section 10.100-129 as Section 10.100-333, and providing that the ordinance shall only take effect if a Charter Amendment, creating a Small Business Commission, is adopted at the November 2003 election.

File 03-0426: Charter Amendment to amend the City's Charter by adding Section 4.134, to establish a Small Business Commission.

Description:

The proposed Charter Amendment and ordinance would establish the Small Business Commission as a separate Department, rather than the current organization of the Small Business Commission, which is under the Mayor's Office of Economic Development.

If approved by the San Francisco voters in the November of 2003 election, the proposed Charter Amendment would stipulate that the Small Business Commission would consist of seven members, four appointed by the Mayor and three appointed by the Board of Supervisors. The Mayor shall designate two of his or her four appointments to serve for two-year terms and the Board of Supervisors shall designate one of its three appointments to serve a two-year term. Thereafter, all Commissioners, appointed by the Mayor or the Board of Supervisors, would serve for four-year terms. Additionally, the proposed Charter Amendment stipulates that five of the seven members appointed to the Small Business Commission shall be owners, operators or officers of small businesses in the City. One member of the Commission may be a current or former owner, operator or officer of a small business and one member of the Commission may be a representative of a neighborhood economic development organization or an expert in small business finance.

Currently, all seven members of the Small Business Commission are appointed by, and serve at the pleasure of the Mayor. There are currently no stipulations about whether the members have to be owners, operators or officers of a small business or other specific organizations.

Comments:

1. The FY 2002-2003 annual budget for the existing Small Business Commission is \$447,623. The Small Business Commission currently has 2.0 FTEs, including a 1.0 FTE 0923 Manager II, and a 1.0 FTE 1365 Special Assistant. According to Mr. Seth Steward of the Small Business Commission, due to a salary surplus, the Small Business Commission has funded a temporary position (9910) in FY 2002-2003, but the position will not be continued in FY 2003-2004 due to budgetary constraints.

2. As shown in Attachment I provided by Mr. Steward, Mr. Steward estimates that the increased annual costs to establish the proposed Small Business Commission would be \$176,733. In addition, there would be estimated one-time costs of \$31,850. As noted in Attachment I, there would be two new positions. The estimated annual costs of \$176,733 would be in addition to the Small Business Commission's existing annual budget of \$447,623.

BOARD OF SUPERVISORS
BUDGET ANALYST

Therefore, the total annual costs, according to Mr. Steward, would be \$624,356, an increase of \$176,733 over the existing costs. The Budget Analyst notes that the proposed Charter Amendment and proposed Ordinance do not require that the existing Small Business Commission be relocated or that new positions be created. However, according to Mr. Steward, it is his understanding that a new Small Business Commission would be relocated to leased office space outside of City Hall. Regarding the estimated costs shown in Attachment I, Mr. Steward advises that the rental costs of \$24 per square foot per year were provided by Mr. Steve Legnitto of the Real Estate Department, and the Department of Telecommunication and Information Systems (DTIS) estimates were provided by Mr. Joe Armenta. As shown in Attachment I, Mr. Steward states that it is his understanding that the new Small Business Commission would need two new positions including one new 1842 Management Assistant, to manage new programs and tasks outlined in the proposed legislation, including the collection and analysis of information about the small business economy in San Francisco, and one new Office Manager to manage the office, services which are currently provided by the Office Manager in the Mayor's Office of Economic Development. These two new positions would be in addition to the existing two positions currently working in the Small Business Commission.

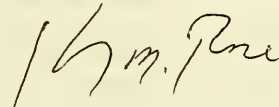
3. The Budget Analyst notes that neither the proposed Ordinance nor the Charter Amendment require that the Small Business Commission physically move out of its existing space in City Hall, in the Mayor's Office of Economic Development, or that any new positions be created. As such, the Budget Analyst notes that if the Small Business Commission's office physically remains in the Mayor's Office of Economic Development and, if the number of positions currently working in the Small Business Commission is not increased, all of the additional one-time costs, totaling \$31,850, and all of the estimated increased ongoing costs of \$176,733, as reported by Mr. Steward, would not be necessary. Therefore, except for inflation, there would be no additional costs if the Small Business Commission does not relocate and no additional positions are created.

BOARD OF SUPERVISORS
BUDGET ANALYST

4. The Controller's Office states that if the proposed Charter Amendment is adopted by the voters, there would be no significant increase in the cost of government, as reflected in Attachment II.

5. At the meeting of April 14, 2003 held by the Small Business Commission, the Commissioners, with one Commissioner absent, voted 3-3 on the proposed Ordinance and Charter Amendment, and agreed to revisit the matter at the next scheduled meeting on April 29, 2003. However, the Small Business Commission meeting was cancelled on April 29, 2003 due to lack of a quorum. The Small Business Commission will consider the proposed Charter Amendment at its next scheduled meeting on May 12, 2003.

Recommendation: Approval of the proposed ordinance and Charter Amendment are policy matters for the Board of Supervisors.



Harvey M. Rose

cc: Supervisor Hall
Supervisor Dufty
President Gonzalez
Clerk of the Board
Controller
Ben Rosenfield
Ted Lakey

Budget Estimates - Small Business Commission -

New Costs in addition to the Small Business Commission's \$447,623 annual budget

One time costs:

I. Moving costs	
a. New Cubicles	\$ 12,000
b. Moving costs	\$ 750
II. DTIS One-time costs	<u>\$ 19,100</u>
 TOTAL ONE TIME ESTIMATED COSTS	 \$ 31,850

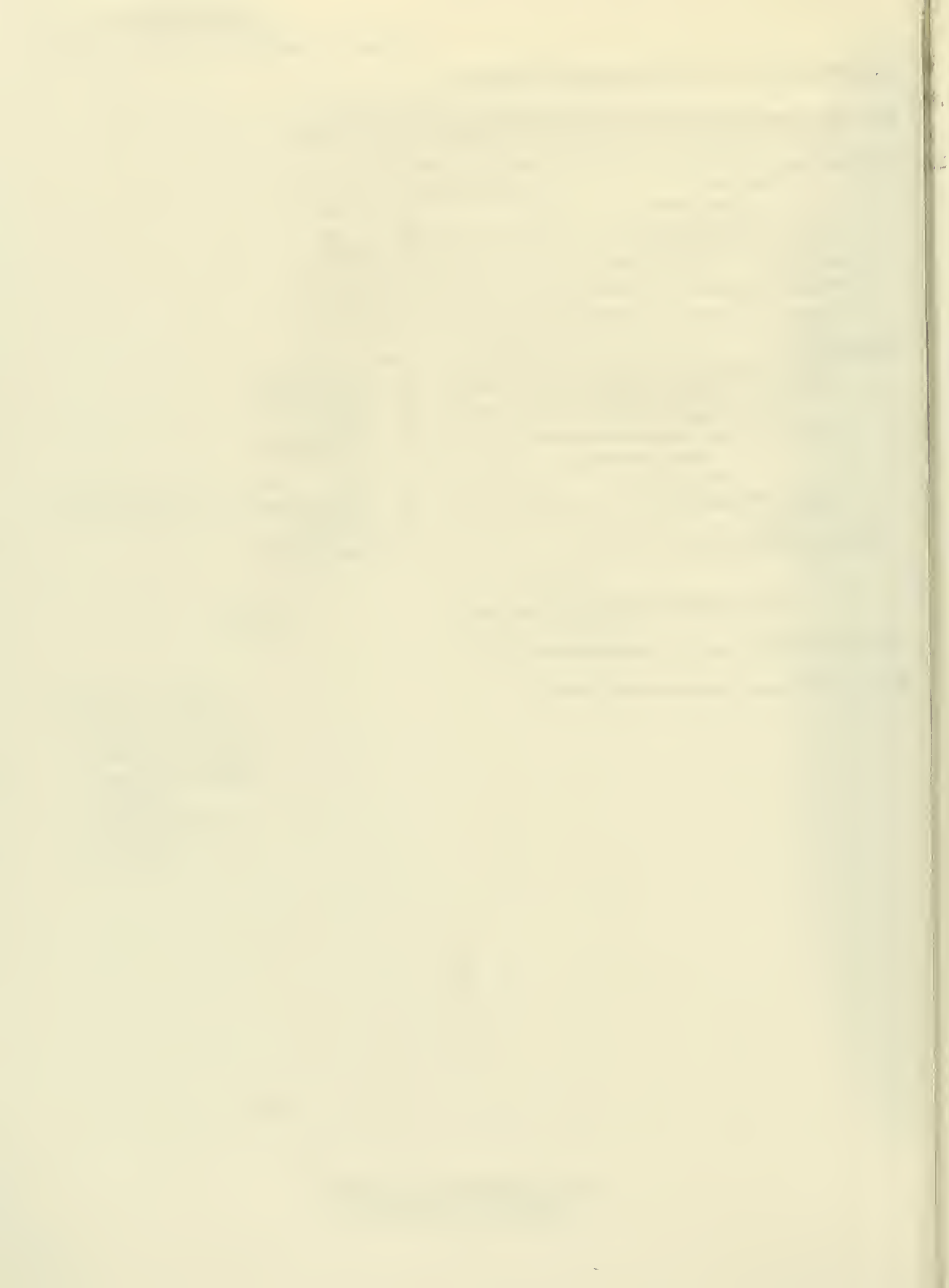
Ongoing Costs:

I. Rent of 1200 square foot space (@ 24\$ per sq foot)	\$ 28,800 annually
II. 1.0 FTE Management Assistant (1842*)	\$ 61,958 annually
Fringe (@ 25 %)	\$ 15,490
III. 1.0 FTE Office Manager (equivalent to a 1365 Special Assistant*)	\$ 53,508 annually
Fringe (@ 25 %)	\$ 13,377
IV. Copier rental/lease	<u>\$ 3,600 annually</u>
 TOTAL ONGOING ESTIMATED COSTS	 \$ 176,733 annually

Total One-time and Ongoing Estimated Costs	\$ 208,583
---	-------------------

*The two position estimates use the high end of the pay step

Source: Seth Steward, Small Business Commission



CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

May 15, 2003

DOCUMENTS DEPT.

TO: Rules Committee

MAY 19 2003

FROM: Budget Analyst

SAN FRANCISCO
PUBLIC LIBRARY

SUBJECT: May 21, 2003 Rules Committee Meeting

Item 3 – File 02-0114

Note: This item was continued by the Rules and Audits Committee at its meeting of May 7, 2002.

Department: Department of Elections (DOE)

Item: Ordinance amending the San Francisco Elections Code by adding Section 130 to require the Department of Elections to establish at least three satellite voting locations in each of the 11 Supervisorial districts for early voting for voters using absentee ballots during the ten calendar days immediately preceding any election held in the City and County of San Francisco.

Description: The proposed ordinance amending the San Francisco Municipal Elections Code by adding Section 130 would:

- Require DOE to establish at least three satellite voting locations in each of the 11 Supervisorial districts, or at least 33 satellite voting locations, for early voting for voters using absentee ballots for ten calendar days prior to any election held in San Francisco.

- Require that the Department of Elections' office at City Hall serve as one of the three satellite voting locations for the Supervisorial district in which the Department is located.
- Require each satellite voting location to operate from at least 8:00 AM to 5:00 PM on weekdays and 10:00 AM to 5:00 PM on weekend days.
- Require those satellite voting locations to have the same hours of operation as the polling places on election day.
- Permit the Elections Commission to approve the location of the satellite voting site and the hours of operation for those satellite voting locations, without subsequent Board of Supervisors approval.

Comments:

1. According to Ms. Julia Moll of the City Attorney's Office, currently the Department of Elections' Office at City Hall serves as a satellite voting location for absentee voters who want to vote prior to an election. Ms. Suzanne Berg of the Department of Elections reports that the hours of operation for the Department's satellite voting location at City Hall are Monday through Friday from 8:00 AM to 5:00 PM and 10:00 AM to 4:00 PM on Saturday and Sunday, beginning 29 days prior to an election. Additionally, Ms. Berg states that City Hall satellite office must have the same hours of operation on election day, which is currently from 7:00 AM to 8:00 PM. Ms. Berg states that the four temporary staff who operated the City Hall satellite office during the November of 2002 election were paid on average \$14.75 per hour. In addition, these four temporary staff were paid overtime on average at time and one-half (\$22.13 per hour) when the staff worked at the City Hall satellite office on Saturdays and Sundays as well as two hours required each weekday to set up, tear down and close out the operation. Ms. Berg estimates that the salary costs alone, including fringe benefits, to operate the City Hall satellite office was approximately \$20,000 for the November 2002 election.

2. According to Ms. Berg, the pool of absentee voters consists of registered voters who request absentee ballots at least seven days before an election and permanent absentee voters. Ms. Berg advises that prior to January of 2002, State law only permitted disabled persons and permanent caregivers of disabled persons to register as permanent absentee voters. However, as of January of 2002, State law

allows all registered voters to apply to become permanent absentee voters. Ms. Berg states that there are currently approximately 51,967 permanent absentee voters, or approximately 12 percent of the 435,000 registered voters in San Francisco, but notes that the Department is currently processing approximately another 500 applications for permanent absentee voter status and is receiving more of such applications each day. Ms. Berg states that given the new State law allowing any registered voter to apply for permanent absentee voter status, the number of absentee voters is likely to increase over time.

3. Ms. Berg advises that the number of absentee voters can vary from election to election depending on how many voters request an absentee ballot for a given election and how many registered voters have permanent absentee voter status. According to Ms. Berg, the Department receives, on average, approximately 71,000 requests for absentee voter ballots per election, however Ms. Berg notes that the number of ballots requested can vary significantly.

The following chart identifies the total number of absentee ballots requested by San Francisco voters, and the number of absentee ballots mailed to the Department, dropped off at the polling locations, cast at the early voting satellite site in City Hall and not returned to the Department during the last three elections.

Election Date	Total Absentee Ballots Requested by San Francisco Voters	Absentee Ballots Mailed Into the Department	Absentee Ballots Dropped Off at Polling Locations by the Voters	Absentee Ballots Cast at the Early Voting Satellite Site in City Hall	Absentee Ballots Not Returned to the Department
November 2002	82,044	42,430	16,264	6,763	16,587
March 2002	69,983	29,847	22,153	3,031	14,952
November 2001	47,809	23,886	13,885	2,969	7,069

As shown above, the average number of absentee voters who voted at the Department's early voting satellite office located

in City Hall for these three recent elections was 4,254 (6,763 + 3,031 + 2,969/3).

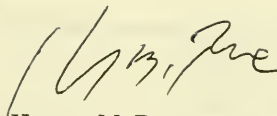
4. The Attachment, provided by Ms. Berg, is a preliminary budget of the costs to implement the proposed ordinance for one election. As shown in the Attachment, based on an estimated 32 satellite locations for ten days prior to the election, the Department estimates it would cost approximately \$1,321,294.

5. Ms. Berg advises that there must be at least two temporary staff with the absentee ballots at all times. Therefore, the Department assumes three temporary staff (to cover lunches, breaks, language requirements) would be needed for each of the 32 new satellite locations (33 total satellite locations as required by the proposed ordinance less the existing satellite office at City Hall). Ten calendar days prior to an election includes four weekend days and six week days. As required by the proposed ordinance, the total hours of operation on the weekend days would be seven hours and the total hours of operation on week days would be eight hours, not including one hour for set up, tear down and close out of the operations. As noted above, on the weekend, staff members are paid overtime at time and one-half.

6. Given (a) the Department's estimated costs of implementing the proposed ordinance would be approximately \$1,321,294 per election; (b) the Department's on-going inability to operate within their existing approved budget which would make it highly unlikely that the Department would be able to operate at least 32 additional satellite offices per election within their existing budget; (c) the City's projected General Fund shortfall for FY 2003-2004; (d) the current City Charter requirement for ranked-choice voting by November of 2003 and (e) the uncertainty of when the Department would be able to implement the proposed ordinance, the Budget Analyst considers approval of the proposed ordinance to be a policy matter for the Board of Supervisors.

Recommendation: Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

Memo to Rules Committee
May 21, 2003 Rules Committee Meeting



Harvey M. Rose

cc: Supervisor Hall
Supervisor Dufty
President Gonzalez
Clerk of the Board
Controller
Ben Rosenfield
Ted Lakey

Early Voting Sites

draft budget 5-16-03

Site rental	64,000	\$200 per site per day x 32 sites x 10 days
Personnel		
Site locators	5,000	2 for one month
Leads	51,698	1 lead per early voting site, pick up ballots, drive, close out
Clerks	155,096	3 clerks per site
Replacement clerks	25,000	15
Program Coordinator	3,500	1
Trainers	5,000	2 for 1 month
Trouble shooters	5,000	3 for two weeks
MIS support	3,000	1 for 1 month
Data Entry Staff	8,400	2 at City Hall to handle increased flow of AVs
Assembly Staff	8,400	2 at City Hall to handle AV assembly for 1 one week, return handling for two weeks
Computers	128,000	64 laptops, 2 per site @ \$2000 each
DSL lines *	6,400	estimating \$200 for installation & 1 monthly fee
Phone Line *	3,200	onsite
Cell Phones	3,200	one per site
Label Writers	12,800	one per site
AV Counter Supplies	3,200	ballot pens, labels, signage
Ballot printing	100,000	Generic AV ballots to match City Hall AV counter
Security	192,000	1 sherriff per site, Weekdays, 8 hours per day for 6 days @ \$50. + 2 hrs OT @ \$75. = \$105,600 Weekends, @75. = \$86,400
Transportation	38,400	Minivans for 12 days to transport booths, chairs, table staff, computers, ballots, voting supplies
Parking		
Outreach	500,000	mailing to registered voters \$326,000, flyers, signage, advertisements, bus posters

Total \$1,321,294



City and County of San Francisco

Meeting Minutes

Rules Committee

Members: Tony Hall, Bevan Dufty and Matt Gonzalez

Clerk: Deborah Muccino

[All Committees]
Government Document Section
Main Library

Wednesday, May 21, 2003

9:30 AM

City Hall, Room 263

Regular Meeting

Members Present: Tony Hall, Bevan Dufty, Matt Gonzalez.

MEETING CONVENED

The meeting convened at 9:41 a.m.

030740 [Amending Rule 4.29 at Board of Supervisors meetings]

Supervisor Gonzalez

Motion amending Rule 4.29 of the Rules of Order of the Board of Supervisors to provide that at meetings of the Board of Supervisors the recognition of public dignitaries shall occur at 2pm, and the recognition of commendations shall occur at 3pm.

4/29/03. RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speaker: Gloria L. Young, Clerk of the Board.

RECOMMENDED by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 1 - Gonzalez

DOCUMENTS DEPT.

MAY 24 2003

SAN FRANCISCO
PUBLIC LIBRARY

030034 [Campaign Finance Reform Amendments of 2003]**Supervisor Gonzalez**

Ordinance amending Article I, Chapter I of the Campaign and Governmental Conduct Code by amending sections 1.104, 1.114, and 1.148 to clarify and consolidate definitions; amending section 1.106 to clarify that State law is incorporated; amending section 1.108 to clarify that it applies only to candidates; amending section 1.110 to provide the Ethics Commission discretion to provide additional office hours prior to an election and to conform to minimum state law record retention periods; amending section 1.114 to apply contribution limits to affiliated entity contributions, to authorize the Ethics Commission to determine when contributions must be returned and to reduce or waive forfeiture penalties, and to clarify that limits apply to special elections; amending section 1.116 to extend loan limitations to candidates for all City elective offices and to authorize the Commission to adjust these amounts; amending section 1.122 to clarify that campaign funds may be used for officeholder expenses, to provide that certain surplus funds may be donated to charity, and that contributions transferred between a candidate's committees must be attributed to specific contributors; deleting section 1.124 on money laundering because the ordinance already incorporates state law provisions; amending section 1.126 to extend the time period city contractors are prohibited from making contributions to public officials who approve their contracts; amending section 1.128 to provide a penalty for violating an agreement to limit campaign spending; amending section 1.130 to clarify that expenditure ceilings apply in special elections and to reflect that spending limits have been adjusted for inflation; amending sections 1.134 and 1.152, deleting section 1.146 and adding a new section 1.135 to consolidate and harmonize provisions on lifting the spending limits; amending section 1.140 to correct cross-references, to require that candidates file a statement of intent to participate in public financing, to lower to \$5,000 the threshold for qualifying for public financing, and to provide additional time for qualifying for public financing, amending section 1.142 to require filing of statement of intent to participate in public financing program; amending section 1.150 to provide that repayment of public funds shall be made to the Ethics Commission, rather than the Controller, for deposit in the Election Campaign Fund; amending section 1.152 to conform language to other amended sections; amending sections 1.144 and 1.154 to extend the time for the Ethics Commission to determine whether pro-rata is required; amending section 1.162 to clarify that the notice provision applies only to mass mailings; amending section 1.163 to require recordkeeping for recorded telephone messages; amending section 1.164 to clarify references; amending section 1.168 to eliminate language suggesting that persons can obtain immunity if they do not receive a response to a request for advice within a specified period of time; amending section 1.170 to increase the penalties for violations of the Ordinance to \$5,000, to incorporate penalties described in section 1.172, and to clarify personal and joint and several liability; deleting section 1.172; and amending section 1.174 to clarify that the department of elections may decline to certify a nomination if a candidate fails to file a statement regarding acceptance or rejection of spending limits.

(No Public Benefit Recipient.)

1/27/03, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 2/26/2003.

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

3/19/03, CONTINUED TO CALL OF THE CHAIR. Heard in committee. Speakers: Mike Garcia, Ethics Commission; Ginny Vida, Ethics Commission; Mabel Eng, Ethics Commission; Chad Jacobs; Deputy City Attorney; John Kennedy, Deputy City Attorney.

4/17/03, SUBSTITUTED. Ethics Commission submitted a substitute ordinance bearing same title.

4/17/03, ASSIGNED to Rules Committee

Heard in committee. Speakers: Bob Planthold, Ethics Commissioner; Ginny Vida, Executive Director, Ethics Commission; Chad Jacobs, Deputy City Attorney.

RECOMMENDED by the following vote:

Ayes: 3 - Hall, Duffy, Gonzalez

020114]Requiring Early Voting in Each Supervisorial District]**Supervisor Gonzalez**

Ordinance amending the Municipal Elections Code to require the Department of Elections to establish at least three satellite locations in each Supervisorial district for early voting during the ten calendar days immediately preceding any election held in the City and County of San Francisco.

(Fiscal impact.)

1/22/02, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 2/21/2002.

1/28/02, TRANSFERRED to Rules and Audits Committee. Transferred pursuant to new committee structure.

2/14/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 2/21/2002.

3/19/02, CONTINUED. Heard in Committee. Speakers: Ken Bruce, Budget Analyst's Office.

Continued to April 3, 2002.

4/3/02, CONTINUED. Continued to May 7, 2002.

5/7/02, CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Bob Planthold; Joe Protensky.

12/2/02, FILED to Rules and Audits Committee. Filed pursuant to Rule 5.37

1/13/03, REACTIVATED PURSUANT TO RULE 5.24. Supervisor Gonzalez requested this matter be reactivated

1/13/03, ASSIGNED to Rules and Audits Committee.

Heard in committee. Speakers: John Arntz, Director of Elections; Bob Planthold.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 3 - Hall, Duffy, Gonzalez

Conference with City Attorney

(Convene in Closed Session)

Motion that the Rules Committee of the Board of Supervisors convene in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) and Administrative Code Section 67.8 (3), for the purpose of conferring with, or receiving advice from, the City Attorney regarding proposed settlements in the lawsuits or claims listed below.

Unanimous vote to convene in closed session by the following vote:

Ayes: 3 - Hall, Duffy, Gonzalez

030837 [Settlement of Lawsuits - Tammy Haygood]

Ordinance authorizing settlement of federal and state lawsuits and administrative proceedings between the City and County of San Francisco and Tammy Haygood filed in connection with her employment and removal as Director of the Department of Elections including a lawsuit filed on July 17, 2002 in Superior Court, State of California, Case No. CPF 02-501387, entitled City and County of San Francisco, Petitioner v. Civil Service Commission of the City and County of San Francisco, Respondent, Tammy B. Haygood, Real Party in Interest, and a lawsuit filed on July 17, 2002 in United States District Court, Case No. C02-3433 WHA, entitled Tammy B. Haygood v. Michael Mendelson, et al. The material terms of the settlement are Haygood will dismiss with prejudice all claims against San Francisco in these lawsuits and all complaints filed with the California Department of Fair Employment and Housing, the Department of Labor and any other administrative action, and Haygood will reimburse the City for payments of certain wages and benefits if she returns to City employment within two years. (City Attorney)

(Public Benefit Recipient.)

5/5/03, RECEIVED AND ASSIGNED to Rules Committee. Scheduled for public hearing June 10, 2003, at 3:00 pm.

Heard in committee. Speakers: Ted Lakey, Deputy City Attorney; Joe Quim, Howard, Rice, Nemerouski, Kanady, Falk, and Rabkin.

Supervisor Dufty dissenting in committee.

The Rules Committee requests this item be calendared as a closed session hearing before the full Board on June 10, 2003.

RECOMMENDED "DO NOT PASS" by the following vote:

Ayes: 2 - Hall, Gonzalez

Noes: 1 - Dufty

030660 [Settlement of Lawsuit - Carmi L. Johnson]

Ordinance authorizing settlement of the lawsuit filed by Carmi L. Johnson against the City and County of San Francisco for \$85,000; the lawsuit was filed on March 2, 2001 in United States District Court, Northern District, Case No. C01-0904 SBA; entitled Carmi L. Johnson v. City and County of San Francisco, Roland Chen, Therese Madden; other material terms of said settlement are: 1. PUC to redistribute policies regarding prevention of harassment and retaliation; 2. City to provide contact individual at City Department of Human Resources for future EEO issues. (City Attorney)

(Public Benefit Recipient.)

4/23/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Ted Lakey, Deputy City Attorney.

Supervisor Hall dissenting in committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Dufty, Gonzalez

Noes: 1 - Hall

030691 [Settlement of Legal Proceeding]

Ordinance approving the settlement of a claim filed by the City and County San Francisco in the bankruptcy entitled In re Metricom, Inc., United States District Court, Northern District of California. Case No. 01-53291-ASW. (City Attorney)

(Public Benefit Recipient.)

4/22/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Ted Lakey, Deputy City Attorney.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030745 [Settlement of Claim - Thomas W. Westwood]

Resolution approving the settlement of the unlitigated claim filed on February 7, 2002 by Thomas W. Westwood against the City and County of San Francisco. (City Attorney)

(Public Benefit Recipient.)

4/25/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Ted Lakey, Deputy City Attorney.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Duffy, Gonzalez

030773 [Settlement of Lawsuit - Loretta A. Bowie]

Ordinance authorizing settlement of the matter of Loretta A. Bowie v. City and County of San Francisco and Louise Statzer for \$92,500. The lawsuit was filed on April 17, 2002, in San Francisco Superior Court, Case No. 406-801, and was removed to United States District Court on June 26, 2002, Case No. C 02-3082 SI; entitled Loretta A. Bowie v. City and County of San Francisco and Louise Statzer. (City Attorney)

(Public Benefit Recipient.)

5/2/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Ted Lakey, Deputy City Attorney.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Duffy, Gonzalez

030774 [Settlement of Lawsuit - Derrell Neal]

Ordinance authorizing settlement of the lawsuit filed by Derrell Neal against the City and County of San Francisco for \$40,000; the lawsuit was filed on November 26, 2002 in San Francisco Superior Court, Case No. 401-659; entitled Derrell Neal, et al., v. City and County of San Francisco, et al.

(Public Benefit Recipient.)

5/2/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Ted Lakey, Deputy City Attorney.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Duffy, Gonzalez

030775 [Settlement of Lawsuit - YONG SHAO MA and PUI KAY CHAN]

Ordinance authorizing settlement of the lawsuit filed by YONG SHAO MA and PUI KAY CHAN against the City and County of San Francisco for \$750,000; the lawsuit was filed on October 26, 1998 in San Francisco Superior Court, Case No. 998-809; entitled Yong Shao Ma, et al., v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

4/30/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Ted Lakey, Deputy City Attorney.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Duffy, Gonzalez

Report on closed session

Deputy City Attorney Ted Lakey reported that the Rules Committee has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) and Administrative Code Section 67.8 (3), for the purpose of conferring with, or receiving advice from, the City Attorney regarding settlements in the lawsuits or claims listed above.

[Elect Not to Disclose]

Motion that the Committee finds that it is in the best interest of the public that the Committee elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.

Unanimous vote not to disclose discussion to the public by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

ADJOURNMENT

The meeting adjourned at 12:01 p.m.



City and County of San Francisco

Meeting Minutes

Rules Committee

Members: Tony Hall, Bevan Dufty and M

Clerk: Deborah Muccino

[All Committees]
Government Document Section
Main Library

City Hall

Wednesday, June 11, 2003

9:30 AM

City Hall, Room 263

Regular Meeting

Members Present: Tony Hall, Bevan Dufty, Matt Gonzalez.

DOCUMENTS DEPT.

JUN 12 2003

SAN FRANCISCO
PUBLIC LIBRARY

MEETING CONVENED

The meeting convened at 9:48 a.m.

031011 [Appointment]

Hearing to consider appointing Supervisor Bevan Dufty to the Mental Health Board.

1 seat being considered

Vacant seat, succeeding Aaron Peskin, term expired, seat 17, must be a member of the Board of Supervisors for a two year term ending January 31, 2005.

6/2/03. RECEIVED AND ASSIGNED to Rules Committee

Heard in committee. Speakers: None. Appointment of Supervisor Dufty, seat 17, recommended.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Supervisor Bevan Dufty, term ending January 31, 2005, to the Mental Health Board.

Bevan Dufty, succeeding Aaron Peskin, term expired, seat 17, must be a member of the Board of Supervisors for a two year term ending January 31, 2005.

RECOMMENDED by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Dufty

031020 [Appointment]

Hearing to consider appointing two members to the Bicycle Advisory Committee.

2 seats being considered

Vacant seat, new appointment, seat 4, must be a nominee of District 4 Supervisor for a two year term ending November 19, 2004.

Vacant seat, new appointment, seat 6, must be a nominee of District 6 Supervisor for a two year term ending November 19, 2004.

6/2/03. RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: None. Appointment of Janice Voorstuijs, seat 4 and Dale Butler, seat 6, recommended.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Janice Voorsluys and Dale Butler, terms ending November 19, 2004 to the Bicycle Advisory Committee.

Janice Voorsluys, new appointment, seat 4, must be a nominee of District 4 Supervisor for a two year term ending November 19, 2004.

Dale Butler, new appointment, seat 6, must be a nominee of District 6 Supervisor for a two year term ending November 19, 2004.

RECOMMENDED.. by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Dufty

031012 [Appointment]

Hearing to consider appointing one member to the Commission on Aging Advisory Committee.

1 seat being considered

Vacant seat, succeeding Tsuyako Kitashima, term expired, seat 8, must be a nominee of District 1 Supervisor for a two year term ending March 31, 2005.

6/2/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: None. Appointment of Tsuyako Kitashima, seat 8, recommended.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Tsuyako Kitashima, term ending March 31, 2005 to the Commission on Aging Advisory Committee.

Tsuyako Kitashima, succeeding herself, term expired, seat 8, must be a nominee of District 1 Supervisor for a two year term ending March 31, 2005.

RECOMMENDED.. by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Dufty

030923 [Appointment - Municipal Transportation Agency]

Mayor

Resolution confirming the appointment of Michael G. Kasolas to the Board of Directors of the Municipal Transportation Agency, term ending March 1, 2007. (Mayor)

5/20/03. RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Michael Kasolas.

RECOMMENDED.. by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Dufty

030741 [Charter Amendment - Commission on the Environment]**Supervisors Maxwell, Gonzalez**

Charter Amendment (First Draft) to amend Section 4.118 to clarify the jurisdiction of the San Francisco Commission on the Environment.

4/29/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 5/29/2003

Heard in committee. Speakers: Marti Paschal, Aide to Supervisor Maxwell; Jared Blumenfeld, Department of Environment; Rona Sandler, Deputy City Attorney; Ted Lakey, Deputy City Attorney.

Recommended to the June 24, 2003 Board agenda.

Supervisor Gonzalez requested to be added as a co-sponsor.

RECOMMENDED by the following vote:

Ayes: 3 - Hall, Duffy, Gonzalez

**030632 [Ballot Measures Submitted by the Board of Supervisors, Four or More of its Members, or the Mayor]
Supervisors Newsom, Peskin**

Charter amendment (Second Draft) to amend 2.113 and 3.100 to provide that any proposed ordinance, bond measure, or declaration of policy submitted to the Director of Elections by the Board of Supervisors, by four or more of its members, or by the Mayor, must be submitted to the Board of Supervisors no later than 45 days before the deadline for submission of the measure to the Director of Elections, and to require that the Board of Supervisors hold a hearing on the proposed ordinance, bond measure, or declaration of policy and on any amendment thereto no later than 30 days before the deadline for submission of the measure to the Board of Directors, provided that failure of the Board of Supervisors to hold a hearing on a measure submitted by less than the full Board of Supervisors or by the Mayor shall not preclude submission of the measure to the voters.

4/15/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 5/15/2003.

5/13/03, SUBSTITUTED. Supervisor Newsom submitted a substitute Charter amendment bearing new title

5/13/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/12/2003.

Heard in committee. Speakers: Mike Farrah, Aide to Supervisor Newsom; Jim Andrew, Spur; Ted Lakey, Deputy City Attorney; Sylvia Johnson.

Continued to the June 18, 2003 meeting.

CONTINUED by the following vote:

Ayes: 3 - Hall, Duffy, Gonzalez

Conference with City Attorney

(Convene in Closed Session)

Motion that the Rules Committee of the Board of Supervisors convene in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) and Administrative Code Section 67.8 (3), for the purpose of conferring with, or receiving advice from, the City Attorney regarding proposed settlements in the lawsuits or claims listed below.

Unanimous vote to convene in closed session by the following vote:

Ayes: 3 - Hall, Duffy, Gonzalez

030905 [Settlement of Lawsuit - JMB Construction, Inc.]

Ordinance authorizing settlement of the lawsuit filed by JMB Construction, Inc., against the City and County of San Francisco, for \$200,000; the lawsuit was filed on June 10, 2002, in San Francisco Superior Court, Unlimited Jurisdiction, Case No. 408-928; entitled JMB Construction, Inc. v. City and County of San Francisco; other material terms of said settlement are: (1) The City reserves all rights to pursue claims against JMB for latent defects in the contract work, and JMB agrees to retain full responsibility for latent defects in the contract work; (2) All warranties under the contract and which are not yet expended shall remain in full force and effect; (3) The City shall retain responsibility for any future claims made by Union Pacific Railroad Company ("Union Pacific") arising from the contract, except that JMB shall retain full responsibility for any claims by Union Pacific arising from damage caused by JMB; (3) In consideration for the proposed settlement payment, JMB has agreed to dismiss the Action with prejudice in its entirety; and (4) the City and JMB each shall bear its own legal costs and fees arising from this action;

(Public Benefit Recipient.)

5/19/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speaker: Ted Lakey, Deputy City Attorney.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

Report on Closed Session.

Deputy City Attorney Ted Lakey reported that the Rules Committee has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) and Administrative Code Section 67.8 (3), for the purpose of conferring with, or receiving advice from, the City Attorney regarding settlements in the lawsuits or claims listed above.

[Elect Not to Disclose]

Motion that the Committee finds that it is in the best interest of the public that the Committee elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.

Unanimous vote not to disclose discussion to the public by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

ADJOURNMENT

The meeting adjourned at 11:44 a.m.

[Budget Analyst Report]
Susan Hom
Main Library-Govt. Doc. Section

CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

June 12, 2003

TO: ≡ Rules Committee

DOCUMENTS DEPT.

FROM: ≡ Budget Analyst

JUN 13 2003

SUBJECT: June 16, 2003 Special Rules Committee Meeting

SAN FRANCISCO
PUBLIC LIBRARY

Items 1 and 2 - Files 03-0848 and 03-0871

Department: Department of Human Services (DHS)

Items: File 03-0848: Ordinance modifying the City's General Assistance (GA) Program by amending the San Francisco Administrative Code Section 20.57 to reflect the current grant amount; amending Section 20.59.3 to provide in-kind housing, utilities and meals to homeless applicants and recipients; amending Section 20.57.1 to value housing utilities and meals provided to homeless recipients as in-kind assistance; adding Section 20.57.6A to provide a special needs allowance to homeless recipients; adding Section 20.60.12 to establish a baseline GA budget; adding Section 20.60.13 to require a Controller's evaluation; adding Section 20.60.14 to establish an operative date for these amendments of on or before July 1, 2003.

File 03-0871: Ordinance amending Administrative Code Sections 20.57, 20.59.3, and 20.57.1; adding Administrative Code Sections 20.57.6A, Section 20.60.12, Section 20.60.13 and Section 20.60.14.

Description:

Proposition N, an initiative petition which was approved by San Francisco voters in November of 2002, requires the City and County (City) of San Francisco to provide housing, utilities and meals to all homeless adults eligible to receive cash assistance payments from the City and to reduce the cash assistance received by such adults by the value of the housing, utilities and meals made available. In accordance with the provisions of Proposition N, cash payments to homeless individuals would be reduced from a maximum of \$320 or \$395 per month, depending on the cash assistance program in which the individual is enrolled, to a maximum of \$59 per month. Proposition N addresses homeless indigent adults who receive such cash payments through four adult assistance programs provided by the Department of Human Services, including (1) Personal Assisted Employment Services (PAES), (2) Cash Assistance Linked to Medi-Cal (CALM), (3) Supplemental Security Income Pending (SSIP) and (4) General Assistance (GA).

On May 8, 2003, the San Francisco Superior Court invalidated the sections in Proposition N that apply to the General Assistance program. The Court ruled that under State law, the Board of Supervisors, and not San Francisco voters, have the exclusive authority to set the standards for care and relief for General Assistance recipients. Proposition N's application to the other three adult assistance programs remain in effect.

The two proposed ordinances offer alternative proposals to reinstate the provisions contained in Proposition N that relate only to the General Assistance program and not to the PAES, CALM or SSIP programs. One ordinance (File 03-0848) would reinstate the same General Assistance provisions, as originally contained in Proposition N. The other ordinance (File 03-0871) provides the similar General Assistance provisions as contained Proposition N, with two additional notable differences (See Comments No. 3 and 4).

Both of the proposed ordinances would amend the City's Administrative Code to reflect the actual current monthly payments (See Comment No. 1) under the County's General Assistance Program, as shown below:

BOARD OF SUPERVISORS
BUDGET ANALYST

Number of Eligible Persons in Same Family	Current Monthly Payment
Single Individual	\$320
2 persons	574
3 persons	647
4 persons	771
5 persons	877
6 persons	984
7 persons	1,081
8 persons	1,179
9 persons	1,273
10 persons	1,367

In the case of more than ten persons in a family unit, an additional \$14 each month is paid for each additional person in the family unit.

Although the above chart provides a monthly payment schedule for up to ten or more persons, Mr. Phil Arnold of the Department of Human Services advises that almost all of the recipients of General Assistance (GA) in San Francisco are single individuals who currently receive \$320 per month in cash payments.

Under the proposed ordinances, self-declared homeless applicants, or applicants who are unable to provide verifiable rent documentation would receive in-kind benefits for housing, utilities and meals. The value of such in-kind benefits for housing, utilities and meals would then be deducted from an individual's monthly General Assistance cash payment. If such in-kind benefits are not available, the applicant or recipient would continue to receive the monthly cash payment that is equivalent to the in-kind value of the housing, utilities and meals, that are not available. As shown in the Attachment provided by the Department of Human Services, the State Income-in-Kind-Chart values in-kind housing, utilities and food at a total of \$336 per month for one person (\$191 per month for housing, \$40 per month for utilities and \$105 per month for food).

Therefore, the General Assistance monthly payment for an individual which is currently \$320 per month, is \$16 less than the estimated value of \$336 for the in-kind housing, utilities and food that would be provided. As a result, both of the proposed ordinances provide "special allowances" to recipients of up to \$59 per month, even if the in-kind value of the housing, utilities and food exceeds the maximum monthly cash grant for which a recipient would otherwise be eligible to receive.

Both of the proposed ordinances would also establish the FY 2002-2003 Department of Human Services (DHS) appropriations for cash assistance as the baseline level for future year appropriations that must be provided for in-kind housing and related services for homeless adults without dependents. Both ordinances state that such appropriations may be used to support, but would not be limited to hotel master lease programs, permanent supportive housing, improvement of the conditions in existing shelters, expansion of shelter capacity, mental health and substance abuse treatment, outreach, a fund for rental deposits, Supplemental Security Income (SSI) advocacy programs, rep-payee (two party check system) services, case management and meals for the homeless adult population through direct services and/or contracts. DHS estimates that approximately \$13,904,979 of cash assistance for homeless adults was appropriated in FY 2002-2003.

The most significant difference in the two proposed ordinances concerns the definition of housing. One of the proposed ordinances (File 03-0848) defines housing as including, but not limited to single occupancy residential hotels, master lease rooms, transitional housing, supportive housing programs, residential treatment facilities and shelter. The other proposed ordinance (File 03-0871) defines housing as single occupancy residential hotels, master lease rooms, transitional housing, supportive housing programs, or residential substance abuse and mental health treatment facilities. The most notable difference is that one of the proposed ordinances (File 03-0871) does not include shelter or other potential types of housing (See Comment No. 3). Shelters provide emergency beds and varying support services, including

meals, case management, health services, mental health and substance abuse counseling, money management, vocational and employment services and housing placement.

One of the proposed ordinances (File 03-0871) also provides that nothing in the above Section related to the baseline appropriations is intended to conflict with Article IX of the City's Charter, which concerns the City's Financial Provisions (See Comment No. 4).

Both ordinances state that failure to comply with the rules of a housing program that results in the ejection of a recipient from that housing program would be considered failure to satisfy the requirements for continuing eligibility and result in discontinuance from the County's General Assistance Program. Both ordinances also provide that any in-kind aid would be evaluated by the Office of the Controller every three years for program effectiveness and cost efficiency. And finally, both ordinances would become operative on or before July 1, 2003.

Comments:

1. Although the proposed ordinances, similar to Proposition N, would amend the City's Administrative Code to reflect increased monthly payments for General Assistance recipients, Mr. Arnold advises that the proposed higher monthly payments reflected in the proposed ordinances are actually the amounts that General Assistance recipients currently receive. According to Mr. Arnold, General Assistance monthly grants are adjusted each year based on the State CalWorks cost of living increase provisions. According to the City Attorney's Office, Section 20.57 (d) of the existing Administrative Code provides that the maximum General Assistance grant amounts shall be increased by an annual percentage cost of living increase according to the same schedule as implemented by the State's CalWorks program. Although the actual payments made to General Assistance recipients has been adjusted annually in accordance with this cost of living provision, Mr. Arnold advises that the City's Administrative Code has not been amended each year to reflect these increased cost of living

adjustments on San Francisco's General Assistance monthly payments.

2. On June 9, 2003 the Budget Analyst's Office issued a report to the Board of Supervisors which analyzes the Department of Human Services plans for the implementation of Proposition N, including the provisions of the General Assistance program. The Budget Analyst notes that, under the proposed ordinance (File 03-0848) Proposition N would remain fully intact, and under the proposed ordinance (File 03-0871) most of the provisions of Proposition N would remain, such that all or most of the issues regarding implementation, as outlined in the June 9, 2003 Budget Analyst Office's report, are directly relevant to the subject ordinances.

3. As noted above, the proposed ordinance (File 03-0871) is similar to the General Assistance provisions of Proposition N. However, this ordinance (File 03-0871) would eliminate shelters from the definition of housing that would be eligible for homeless individuals, in order for the City to reduce the General Assistance cash payments from \$320 to \$59 per month to homeless adults receiving such cash assistance payments from the City. The Office of the Sponsor of the proposed ordinance (File 03-0871) advises that, although shelter residents would not receive reductions in their cash assistance payments for the housing or utility portion of the costs, if meals are provided in the shelters, then reductions in the cash assistance payments for meals would be permitted, under the proposed ordinance. The Budget Analyst notes that, as shown in the Attachment, the in-kind value of food is \$105 per month for an individual, such that the \$320 maximum monthly cash assistance payment would be reduced to \$215 per month under General Assistance, for a homeless individual placed in a shelter.

If the proposed ordinance (File 03-0871) is approved, Mr. Trent Rhorer of the Department of Human Services advises that he would not anticipate any reduction of General Assistance caseloads or payments, as would otherwise be the case, if Proposition N is fully implemented. In fact, if the proposed ordinance (File 03-0871) is approved, while the other three adult assistance

programs (Personal Assisted Employment Services (PAES), Cash Assistance Linked to Medi-Cal (CALM), and Supplemental Security Income Pending (SSIP)) are changed in accordance with Proposition N, (which would reduce the monthly cash payments from up to \$395 to \$59 for homeless individuals in shelters), then Mr. Rhorer advises that he would anticipate that homeless individuals that are currently enrolled in the other three adult assistance programs would switch to the less restrictive General Assistance program, in order to increase their monthly cash payments. If that occurs, the General Assistance caseload would then increase and the costs for monthly cash assistance would similarly increase.

4. As noted above, both of the proposed ordinances would establish a required baseline appropriation for housing and related services that equals the FY 2002-2003 Annual Appropriation Ordinance for cash aid payments to homeless adult individuals. However, one of the proposed ordinances (File 03-0871) states that nothing in this baseline appropriation language is intended to conflict with Article IX of the City's Charter. The City Attorney's Office advises that Article IX of the City's Charter provides that future Mayors and Board of Supervisors have discretion in setting and approving annual appropriations. Therefore, the City Attorney's Office advises that the funding language regarding the baseline appropriations, as contained in Proposition N and in both of the subject ordinances, cannot be mandatory and must be interpreted as a policy recommendation or advisory only for future Mayors and Board of Supervisors. Therefore, although the Department of Human Services advises that \$13,904,979 is the baseline appropriation of cash assistance provided in FY 2002-2003 for homeless individuals, the Budget Analyst notes that, based on the City Attorney's opinion, the \$13,904,979 level of funding may or may not be included by the City for cash payments, housing, food and support services in future years to homeless adults.

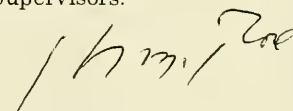
5. As noted above, the two proposed ordinances offer alternative proposals to reinstate the provisions contained in Proposition N that relate to the General Assistance

Memo to Rules Committee
June 16, 2003 Special Rules Committee Meeting

program. One ordinance (File 03-0848) would reinstate the same General Assistance provisions, as originally contained in Proposition N. The other ordinance (File 03-0871) provides the similar General Assistance provisions as contained Proposition N, with two additional notable differences, as explained in Comment Nos. 3 and 4 above.

6. Mr. Rhorer advises that as a result of the recent Superior Court decision, which invalidated the sections in Proposition N that apply to the General Assistance program, approximately 40 percent of the recipients in DHS's cash assistance programs would be eliminated from Proposition N. The remaining approximately 60 percent of the recipients in the other cash assistance programs (PAES, CALM and SSIP) which were not invalidated by the Court decision, would then have an incentive to transfer to the General Assistance program, in order to receive the higher cash assistance payments according to Mr. Rhorer. Mr. Rhorer advises that that this transfer of participants from one aid program to another would undercut the main provisions and intent of Proposition N. Mr. Rhorer also advises that there are no provisions in Proposition N for severing portions of the Proposition. Therefore, Mr. Rhorer advises that after consulting with the Mayor, DHS will not implement Proposition N on July 1, 2003. According to Mr. Rhorer, he will await direction from the Board of Supervisors or the Court before implementing Proposition N.

Recommendations: Approval of either of the proposed ordinances is a policy matter for the Board of Supervisors.


Harvey M. Rose

cc: Supervisor Hall
Supervisor Dufty
President Gonzalez
Clerk of the Board
Controller
Ben Rosenfield
Ted Lakey

BOARD OF SUPERVISORS
BUDGET ANALYST

CAAP ELIGIBILITY HANDBOOK

Supersedes:

Sec. 99-1

Page 1

Eff. 10/01/00

CAAP References

Income-In-Kind Table

Sec. 99-1

Page 1

Eff. 10/01/01

INCOME-IN-KIND VALUES
as of 10/1/01

# of Persons	Housing	Utilities	Food	Clothing
1	\$191	\$40	\$105	\$33
2	255	45	225	62
3	279	48	287	93
4	293	51	356	124
5	293	51	430	156
6	293	51	497	186
7	293	51	554	220
8	293	51	607	245
9	293	51	667	281
10	293	51	720	309

NOTE: For households of more than 10, add \$14 per additional person for food and clothing values.



Mon

1/6

M

R

03



City and County of San Francisco
Meeting Minutes
Rules Committee

94102-4689

Members: Tony Hall, Bevan Dufty and Matt Gonzalez

Clerk: Deborah Muccino

Monday, June 16, 2003

9:30 AM

City Hall, Room 263

Special Meeting

Members Present: Tony Hall, Bevan Dufty, Matt Gonzalez.

DOCUMENTS DEPT.

JUN 18 2003

SAN FRANCISCO
PUBLIC LIBRARY

MEETING CONVENED.

The meeting convened at 9:42 a.m.

REGULAR AGENDA

030848 [General Assistance-In-kind Assistance]

Supervisors Newsom, Dufty, Sandoval, McGoldrick, Peskin

Ordinance modifying the City's General Assistance (GA) Program by amending San Francisco Administrative Code Sec. 20.57 to reflect the current grant amount; amending Administrative Code Sec. 20.59.3 to provide in-kind housing, utilities and meals to homeless applicants and recipients; amending Administrative Code Sec. 20.57.1 to value housing, utilities and meals provided to homeless recipients as in-kind assistance; adding Administrative Code Sec. 20.57.6A. to provide a special needs allowance to homeless recipients; adding Administrative Code Sec. 20.60.12 to establish a baseline GA budget; adding Administrative Code Sec. 20.60.13 to require a Controller's evaluation; adding Administrative Code Sec. 20.60.14 to establish an operative date for these amendments of on or before July 1, 2003.

5/13/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Harvey Rose, Budget Analyst's Office; Deborah Newman, Budget Analyst's Office; Cathy Garza, Legislative Aide to Supervisor Newsom; Christine Martin, Budget Analyst's Office; Supervisor Chris Daly; Trent Rohrer, Executive Director, Department of Human Services; Dariush Kayhan, Director of Housing and Homeless Programs, Department of Human Services; Supervisor Gavin Newsom; Jennifer Friedenbach, Coalition on Homelessness; Chad Smarten, Coalition on Homelessness; Tony Grin, Coalition on Homelessness; Sam Sinh, SRO Operator.

Continued to June 23, 2003, 2:00 p.m.

CONTINUED by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Dufty

030871 [General Assistance - In-Kind Assistance]**Supervisors Daly, Ma, Maxwell**

Ordinance amending Administrative Code sections 20.57, 20.59.3, and 20.57.1; adding Administrative Code sections 20.57.6A., 20.60.12, Sec. 20.60.13, and 20.60.14.

5/13/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Supervisor Chris Daly; Harvey Rose, Budget Analyst's Office; Deborah Newman, Budget Analyst's Office; Christine Martin, Budget Analyst's Office; Trent Rohrer, Executive Director, Department of Human Services; Dariush Kayhan, Director of Housing and Homeless Programs, Department of Human Services; Jennifer Friedenbach, Coalition on Homelessness; Chad Smarten, Coalition on Homelessness; Tony Grin, Coalition on Homelessness; Sam Sinh, SRO Operator.

Continued to June 23, 2003, 2:00 p.m.

CONTINUED by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Dufty

ADJOURNMENT

The meeting adjourned at 3:05 p.m.

CITY AND COUNTY



OF SAN FRANCISCO

Main Library

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

June 12, 2003

TO: Rules Committee

FROM: Budget Analyst

SUBJECT: June 18, 2003 Rules Committee Meeting

DOCUMENTS DEPT.

JUN 13 2003

SAN FRANCISCO
PUBLIC LIBRARY

Item 1 - File 03-0855

**Proposed Charter
Amendment:**

Charter Amendment adding Sections A8.401 and A8.522 to provide early retirement benefits to eligible employees.

Draft: First

**Charter Sections
Affected:**

Sections A8.401 and A8.522.

Description:

Under the existing Charter Section A8.509, miscellaneous City employees who are 50 years of age and have 20 years of service in the San Francisco Employees' Retirement System (SFERS), or City employees who are 60 years of age and have 10 years of service in the SFERS, are eligible to retire and receive retirement compensation. Such employees receive retirement compensation based on the retirement compensation formula shown in the Attachment. An employee who is 50 years of age would receive compensation equal to one percent for each year of service, times the annual compensation for the year in which the employee received the highest compensation. Under the existing Charter, the

retirement compensation formula increases by one-quarter of one-tenth of one percent (0.00025) every three months, resulting in retirement compensation for a miscellaneous City employee who is 60 years of age, equal to two percent for each year of service, as shown in the Attachment, times the annual compensation for the year in which the employee received the highest compensation.

The proposed Charter Amendment would add new Charter Sections, Sections A8.401 and A8.522, to provide "early retirement benefits", or an early retirement incentive, to eligible employees in classifications identified for layoffs.

Section A8.401 would provide that, except for members of the Police and Fire Departments, "early retirement benefits" be made available to all miscellaneous SFERS members, identified by the Director of the Department Human Resources (DHR) as eligible during FY 2003-2004 and FY 2004-2005. Eligible employees would consist of 1) employees separated from City employment between July 1, 2003 and June 30, 2005 due to layoffs from Identified Classifications¹, 2) active employees currently in Identified Classifications for layoffs, or 3) active employees laid off from Identified Classifications but have been placed in other positions within the City. According to Ms. Linda Ross at the City Attorney's Office, in order to limit the number of employees eligible for "early retirement benefits", the number of employees selected by the Director of DHR for "early retirement benefits" cannot exceed the number of employees separated from City employment due to layoff. According to Ms. Ross, amendments to the proposed Charter Amendment regarding the selection of eligible employees are pending.

Section A8.522 would provide for "early retirement benefits", which would be an increase in the eligible employee's age by three years and credited years of

¹ Identified Classifications are the classifications of positions that have been or will be eliminated or reduced during the fiscal year due to lay off, or the termination of City services or functions.

service by three years, thereby providing an incentive to targeted employees to retire early. For example, under the existing Charter provision, an eligible employee who is 50 years of age with 20 years of service in SFERS, whose highest level of compensation in a given year is \$80,000, would receive annual retirement compensation equal to 1.0 percent (based on 50 years of age) times 20 years times \$80,000, or 20 percent of \$80,000, which equals \$16,000 per year under the existing Charter. Under the proposed Charter Amendment, the eligible employee would instead receive annual retirement compensation equal to 1.3 percent (based on 53 years of age, as shown in the Attachment) times 23 years times \$80,000, or 29.9 percent of \$80,000, which equals \$23,920 per year.

Additionally, under the existing Charter Amendment an eligible employee who is 47 years of age with 17 years of service in SFERS, whose highest level of compensation in a given year is \$80,000, would not be eligible for retirement benefits under the existing Charter. Under the proposed Charter Amendment the eligible employee would instead receive annual retirement compensation equal to 1.0 percent times 20 years (17 years plus 3 years) times \$80,000, or 20 percent of \$80,000, which equals \$16,000 per year.

The proposed Charter Amendment would provide the "early retirement benefits" upon completion by the Board of Supervisors of the FY 2003-2004 budget, and would sunset on July 1, 2005. However, the proposed Charter Amendment would allow the Board of Supervisors to extend the term of the proposed Charter Amendment an additional two years until June 30, 2007, by a nine-vote majority.

Fiscal Impact:

According to Ms. Clare Murphy of the Retirement System, the estimated increased cost to the City resulting from the proposed Charter Amendment cannot currently be quantified due to the 1) approximately four year duration of the proposed early retirement incentive and 2) unknown numbers of laid off employees. According to Ms. Murphy, further information as to the potential fiscal impact to the

City of the proposed "early retirement benefits" on the current SFERS participants will be presented to the Rules Committee when such data becomes available.

Comment:

According to Ms. Ross, backfilling of positions made vacant as a result of the early retirement incentive would be prevented by the proposed Charter Amendment through the Charter provision which states, "The number of employees who receive early retirement benefits in each Identified Classification shall not exceed the number of employees separated from city service due to layoffs in the Identified Classification."

Recommendation: Approval of the proposed Charter Amendment is a policy matter for the Board of Supervisors.

Age at Retirement	Percent for Each Year of Credited Service
50	1.0000
50 1/4	1.0250
50 1/2	1.0500
50 3/4	1.0750
51	1.1000
51 1/4	1.1250
51 1/2	1.1500
51 3/4	1.1750
52	1.2000
52 1/4	1.2250
52 1/2	1.2500
52 3/4	1.2750
53	1.3000
53 1/4	1.3250
53 1/2	1.3500
53 3/4	1.3750
54	1.4000
54 1/4	1.4250
54 1/2	1.4500
54 3/4	1.4750
55	1.5000
55 1/4	1.5250
55 1/2	1.5500
55 3/4	1.5750
56	1.6000
56 1/4	1.6250
56 1/2	1.6500
56 3/4	1.6750
57	1.7000
57 1/4	1.7250
57 1/2	1.7500
57 3/4	1.7750
58	1.8000
58 1/4	1.8250
58 1/2	1.8500
58 3/4	1.8750
59	1.9000
59 1/4	1.9250
59 1/2	1.9500
59 3/4	1.9750
60	2.000*

Item 2 - File 03-0857

Department: Retirement

Proposed Charter Amendment: Charter Amendment adding Section A8.583 to provide for a change in the retirement compensation for attorneys in the District Attorney's Office and the Public Defender's Office and for Public Defender's Investigators.

Draft: First

Charter Sections Affected: Section A8.583

Description: Currently, attorneys in the District Attorney's Office and Public Defender's Office and Public Defender's Investigators receive the same level of compensation upon retirement provided to miscellaneous City employees who are members of the San Francisco Employee Retirement System (SFERS), under Charter Sections A8.509 and A8.587. The proposed Charter Amendment would increase the level of retirement benefits for attorneys in the District Attorney's Office and Public Defender's Office and Public Defender's Investigator as discussed below.

- Under the existing Charter Sections A8.509 and A8.587, miscellaneous City employees who are members of SFERS, including attorneys in the District Attorney's Office and Public Defender's Office and Public Defender's Investigators, who are 50 years of age and have 20 years of service in SFERS, are eligible to retire. Such employees receive retirement compensation, equal to one percent for each year of service, times the annual compensation for the year in which the employee received the highest compensation.
- Under the proposed Charter Amendment, attorneys in the District Attorney's Office and Public Defender's Office and Public Defender's Investigators, would receive increased retirement compensation. The

proposed Charter Amendment provides that an employee in the subject classifications who is 50 years of age with at least five years of service in SFERS, compared to 20 years of service under the existing Charter provision, would be eligible for retirement. An eligible employee who is 50 years of age with at least five years of service in SFERS would receive retirement compensation equal to 2.4 percent for each year of service, compared to one percent under the existing Charter provision, times the annual compensation for the year in which the employee received the highest compensation.

Therefore, under the existing Charter provision, a miscellaneous City employee who is 50 years of age with 20 years of service in SFERS, and whose highest level of compensation in a given year is \$80,000, receives annual retirement compensation equal to one percent times 20 years times \$80,000, or 20 percent of \$80,000, which equals \$16,000 per year. Under the proposed Charter Amendment, an eligible employee who is 50 years of age with 20 years of service in SFERS¹, and whose highest level of compensation in a given year is \$80,000, would receive annual retirement compensation equal to 2.4 percent times 20 years times \$80,000, or 48 percent of \$80,000, which equals \$38,400 per year, which is \$22,400 or 140 percent more than the \$16,000 in annual retirement compensation which such employee would receive under the current compensation formula.

- Also, under the existing Charter Sections A8.509 and A8.587, the retirement compensation formula increases by one-quarter of one-tenth of one percent (0.00025) every three months, resulting in retirement compensation for a miscellaneous City employee who is 60 years of age with at least 10 years of service, equal to two percent for each year of service times the

¹ For purposes of comparison, this report estimates retirement benefits under the proposed Charter Amendment for an employee who is 50 years of age with 20 years of service. However, the proposed Charter Amendment provides eligibility for retirement benefits for an employee who is 50 years of age with 5 years of service. Therefore, an eligible employee who is 50 years of age with 5 years of service and whose highest level of compensation in a given fiscal year is \$80,000, would receive annual retirement compensation equal to 2.4 percent times 5 years times \$80,000, or 12 percent of \$80,000, which equals \$9,600 per year.

annual compensation for the year in which the employee received the highest compensation.

- Under the proposed Charter Amendment, the retirement compensation formula increases by three-tenths of one-tenth of one percent (0.00030) every three months, resulting in retirement compensation for an eligible employee who is 55 years of age, equal to three percent for each year of service times the annual compensation for the year in which the employee received the highest compensation.

Therefore, under the existing Charter provision, a miscellaneous City employee who is 55 years of age with 20 years of service in SFERS, and whose highest level of compensation in a given year is \$80,000, receives annual retirement compensation equal to 1.5 percent² times 20 years times \$80,000, or 30 percent of \$80,000, which equals \$24,000 per year. Under the proposed Charter Amendment, an eligible employee who is at least 55 years of age with 20 years of service in SFERS, and whose highest level of compensation in a given year is \$80,000, would receive annual retirement compensation equal to three percent times 20 years times \$80,000, or 60 percent of \$80,000, which equals \$48,000 per year, which is \$24,000 or 100 percent more than under the existing Charter provision.

In addition to the provisions noted above, the proposed Charter Amendment would increase the cap on retirement compensation from the current cap of 75 percent of the highest level of compensation in a given year to 90 percent of the highest level of compensation in a given year.

Fiscal Impact:

According to Mr. Dan Maguire of the City Attorney's Office, amendments to the proposed Charter Amendment are pending. According to Ms. Clare Murphy of the Retirement System, the Retirement System is unable to

² Under the existing Charter provision, the retirement benefit calculation formula increases every three months, as noted above, and equals 1.5 percent times years of service times highest annual income at age 55 and 2.0 percent times years of services times highest annual income at age 60. For purposes of comparison, this report calculates retirement benefits for employees at age 55 under the existing Charter provision and the proposed Charter Amendment.

present an actuarial cost estimate, pending amendments to the proposed Charter Amendment.

Comment:

The proposed Charter Amendment contains a provision, which requires the City to take all steps necessary to insure that attorneys in the District Attorney's Office and the Public Defender's Office, and Public Defender's Investigators are considered police officers for purposes of the Federal Social Security Act, which would allow such employees to withdraw from the Social Security System. According to Ms. Murphy, if the subject classifications are allowed to withdraw from the Social Security System, the City would achieve annual savings equal to approximately 6.2 percent of salaries for the subject classifications. However, Ms. Murphy advises that the possibility of considering the subject classifications as police officers for purposes of the Federal Social Security Act is uncertain due to changes in Federal Social Security procedures.

Recommendation:

Approval of the proposed Charter Amendment is a policy matter for the Board of Supervisors.

Item 3 - File 02-0938

Note: This item was amended in the Board of Supervisors meeting of June 10, 2003 and re-referred to Rules Committee.

Proposed Ballot

Measure: Charter Amendment amending Appendix A8.506-2 relating to retirement benefits for miscellaneous safety employees.

Draft: Sixth

Sections Affected: Appendix A8.506-2.

Description: The proposed Charter Amendment, if approved by the voters, would allow the Board of Supervisors and the Community College Board to approve contracts with the Board of Administration of the Public Employees' Retirement System of the State of California providing for the membership of miscellaneous safety employees¹ in the California Public Employees' Retirement System (PERS).

The proposed Charter Amendment would remove the existing Charter language which states that, "The power to contract (with the PERS Board of Administration) created herein shall be limited to a contract with no net increase in cost to the City and County or the Community College District". The Board of Supervisors amended this language to state that "Contracts and contract amendments shall be cost-neutral and employee bargaining units shall be permitted to trade salary or other employee-paid benefits to achieve cost-neutrality. The Board of Supervisors or the Community College District is empowered to determine compliance under this Section."

According to Mr. Jay Huish of San Francisco Employees' Retirement System (SFERS), under provisions of the proposed Charter Amendment, any increase in retirement costs to the City and County or Community College

¹ "Miscellaneous safety employees" are defined as probation officers, airport police officers, district attorney and public defender investigators, coroner investigators, juvenile court counselors, institutional police, fire safety inspectors and fire protection engineers who are not members of the retirement plan for uniformed Fire Department personnel.

District are to be negotiated to "cost neutrality" through the collective bargaining process. Mr. Dan Maguire of the City Attorney's Office states that "cost neutrality" would be achieved if there is no net increased cost to the City and County or Community College District.

Comments:

1. Currently, the Board of Supervisors and the Community College Board may contract with the PERS Board of Administration to provide miscellaneous safety employees retirement benefits through PERS rather than through the San Francisco Employees' Retirement System (SFERS) only if the PERS contract is of equal or lower cost than the existing contract provisions provided to that group of employees. The proposed Charter Amendment would enable the Board of Supervisors and the Community College Board to enter into contracts or contract amendments with the PERS Board of Administration making miscellaneous safety employees members of PERS even if such membership results in increased retirement costs to the City and County or Community College District. However, as previously noted, Mr. Huish states that under the proposed Charter Amendment, such increased costs are to be negotiated to cost neutrality through the collective bargaining process.

2. As stated by Ms. Clare Murphy of SFERS in her attached memorandum, "This proposed charter amendment does not in and of itself impact the cost of the San Francisco contracts for retirement benefits for miscellaneous safety employees with California Public Employees' Retirement System. The removal of the 'no net increase in cost' sentence will allow future contracts or contract amendments, which will result in an increase over the cost of retirement benefits prior to the new contract or contract amendment(s)." However, the proposed Charter Amendment requires contracts and contract amendments to be cost-neutral to the City and County or Community College District. Ms. Murphy has advised the Budget Analyst that if the proposed Charter Amendment is approved, the Board of Supervisors and the Community College Board would have the authority to approve contracts which (a) include miscellaneous safety employees who are not currently members of

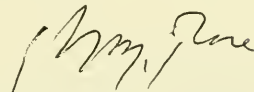
PERS, or (b) change benefits for miscellaneous safety employees who are currently members of PERS.

3. Currently, according to Ms. Murphy, coroner investigators, public defender investigators, fire safety inspectors and fire protection engineers are the only miscellaneous safety employees that are not members of PERS. Ms. Murphy estimates that there are fewer than 1,000 City and Community College District employees currently in PERS, and Ms Murphy estimates that the proposed Charter Amendment would make no more than 100 additional City and Community College District employees eligible for PERS. According to Ms. Murphy, if the voters approve the proposed Charter Amendment granting authority to the Board of Supervisors and the Community College Board to enter into new contracts or amend existing contracts with the Board of Administration of the Public Employees' Retirement System (PERS) of the State of California for miscellaneous safety employees, any new or amended contracts would most likely increase the level of benefits of the affected employees, resulting in increased retirement costs to the City and to the Community College District. However, the proposed Charter Amendment requires contracts and contract amendments to be cost-neutral to the City and County or Community College District.

4. The proposed Charter Amendment would also substitute "medical examiner investigators" for "coroner investigators", as miscellaneous safety employees under the contract for retirement benefits with the California Public Employees' Retirement System. According to Ms. Murphy, medical examiner investigator is an updated title for coroner investigator. According to Ms. Murphy, medical examiner investigator performs the same duties as coroner investigator.

Memo to Rules Committee
June 18, 2003 Rules Committee Meeting

Recommendation: Approval of the proposed Charter Amendment is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc: Supervisor Hall
Supervisor Dufty
President Gonzalez
Clerk of the Board
Controller
Ben Rosenfield
Ted Lakey



April 4, 2003

Ms. Gloria Young
Clerk of the Board
Board of Supervisors
City Hall, Room 244
Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Re: File Number 02-0938 (Fifth Draft)
Charter Amendment - Retirement
Benefits for Miscellaneous Safety
Employees (Ammiano, Gonzalez)

Dear Ms. Young:

As required by charter section A8.500 of the San Francisco City and County Charter, the following is the cost and effect report relating to the proposed amendment of charter section A8.506-2.

Effect

The proposed amendment deletes one sentence from the existing provision and updates the term "coroner investigators" to "medical examiner investigators". The deletion removes the limitation on the Board of Supervisors' authority to establish or amend contracts with the California Public Employees' Retirement System. Currently, the charter section limits the Board of Supervisors authority to those contracts (or contract amendments) which create no net increase in cost to the city and county or the community college district. The proposed amendment removes the "no net increase in cost" limitation.

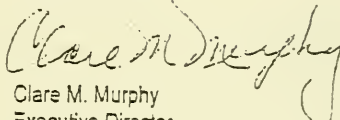
Cost

This proposed charter amendment does not in and of itself impact the cost of the San Francisco contracts for retirement benefits for miscellaneous safety employees with California Public Employees' Retirement System. The removal on the "no net increase in cost" sentence will allow future contracts or contract amendments, which will result in an increase over the cost of retirement benefits prior to the new contract or contract amendment(s).

Letter to Gloria Young
April 4, 2003
Page 2

Representatives of the San Francisco Employees' Retirement System will be available to answer questions at the Rules Committee meeting on April 16, 2003.

Very truly yours,


Clare M. Murphy
Executive Director

cc: Mayor Willie L. Brown Jr.
Supervisor Matt Gonzalez, President, Board of Supervisors
Mr. Dennis Herrera, City Attorney
Supervisor Tony Hall, Chair, Rules Committee
Supervisor Bevan Duffy, Vice Chair, Rules Committee
Controller Ed Harrington
Harvey Rose, Budget Analyst
Leanne Nhan, Office of the Budget Analyst
Peg Stevenson, Controller's Office
Deborah Muccino, Clerk, Rules Committee

CMM/cm



City and County of San Francisco

Meeting Minutes

Rules Committee

Members: Tony Hall, Bevan Dufty and Matt Gonzalez

Clerk: Deborah Muccino

City Hall
1 Dr. Carlton B.
Goodlett Place
San Francisco, CA
94102-4689

Wednesday, June 18, 2003

9:30 AM

Legislative Chambers

Regular Meeting

Members Present: Tony Hall, Matt Gonzalez, Tom Ammiano.

Members Absent: Bevan Dufty.

DOCUMENTS DEPT.

JUN 19 2003

SAN FRANCISCO
PUBLIC LIBRARY

MEETING CONVENED

The meeting convened at 9:57 a.m. Board President Gonzalez appointed Supervisor Ammiano to serve on the Rules Committee temporarily for quorum purposes, for item number four at today's meeting only.

030855 [Charter Amendment - Early retirement benefits to employees in classifications identified for layoffs due to the City's fiscal crisis]

Mayor

Charter amendment (First Draft) to add Sections A8.401 and A8.522 to provide early retirement benefits to eligible employees. (Mayor)

5/13/03. ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/12/2003.

Heard in committee. Speakers: None. Continued to June 25, 2003.

CONTINUED by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 2 - Dufty, Ammiano

030857 [Charter Amendment - Retirement Benefits for District Attorneys, Public Defenders and Public Defender Investigators]

Supervisor Gonzalez

Charter amendment (First Draft) to add Appendix A8.583 relating to retirement benefits for attorneys in the District Attorney's and Public Defender's offices and Public Defender Investigators.

5/13/03. ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/12/2003

Heard in committee. Speakers: John Dwyer; Dan Maguire, Deputy City Attorney.

6/18/03 Amendment of the whole bearing same title. Continued to June 25, 2003.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

Charter amendment (Second Draft) to add Appendix A8.583 relating to retirement benefits for attorneys in the District Attorney's and Public Defender's offices and Public Defender Investigators.

6/18/03 Amendment of the whole bearing same title.

CONTINUED AS AMENDED by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 2 - Dufty, Ammiano

020938 [Charter Amendment - Retirement Benefits for Miscellaneous Safety Employees]

Charter Amendment (Sixth Draft) to amend Appendix A8.506-2 thereto, relating to retirement benefits for miscellaneous safety employees.

5/28/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 6/27/2002.

7/5/02, CONTINUED. Heard in committee. Speakers: Supervisor Ammiano; Ed Harrington, Controller; Claire Murphy, SF Employee's Retirement System; Rich Marino; Sharon Brest; Armando Garcia; Allan Pringle.

Supervisor Gonzalez requested to be added as a co-sponsor.

Continued to July 10, 2002.

7/10/02, REFERRED WITHOUT RECOMMENDATION. Heard in committee. Speakers: Rich Perino; Sharon Brest.

7/15/02, CONTINUED. Continued to July 22, 2002.

7/22/02, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

7/22/02, RE-REFERRED to Rules and Audits Committee.

10/21/02, SUBSTITUTED. Supervisor Ammiano submitted a substitute Charter amendment bearing same title.

10/21/02, ASSIGNED to Rules and Audits Committee.

1/13/03, ASSIGNED to Rules and Audits Committee.

1/13/03, SUBSTITUTED. Supervisor Ammiano submitted a substitute Charter Amendment (Fourth Draft) bearing same title.

2/5/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

3/18/03, SUBSTITUTED. Supervisor Ammiano submitted a substitute Charter Amendment (Fifth Draft) bearing same title.

3/18/03, ASSIGNED to Rules Committee. Sponsor requests this item be scheduled for consideration at the April 16, 2003 meeting.

4/16/03, RECOMMENDED. Heard in Committee. Speakers: Supervisor Tom Ammiano; Ted Lakey, Deputy City Attorney, City Attorney's Office; Rich Perino, San Francisco Deputy Sheriff's Association.

4/29/03, CONTINUED. Continued to May 6, 2003

5/6/03, CONTINUED. Continued to May 20, 2003

Supervisor Newsom requested to be added as a co-sponsor.

5/20/03, CONTINUED. Continued to June 10, 2003

6/10/03, AMENDED. Amended on page 1, after "of such contract" by adding New Paragraph "Contracts and contract amendments shall be cost-neutral and employee bargaining units shall be permitted to trade salary or other employee-paid benefits to achieve cost-neutrality. The Board of Supervisors or the Community College District is empowered to determine compliance under this section."

6/10/03, RE-REFERRED to Rules Committee.

Heard in committee. Speakers: Sharon Brest, Probation Officers Association; Supervisor Ammiano; Ted Lakey, Deputy City Attorney; Clare Murphy, Executive Director, Retirement System.

6/18/03 Amendment of the whole bearing same title. Continued to June 25, 2003.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

Charter Amendment (Seventh Draft) to amend Appendix A8.506-2 thereto, relating to retirement benefits for miscellaneous safety employees.

6/18/03 Amendment of the whole bearing same title.

CONTINUED AS AMENDED by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 2 - Duffy, Ammiano

030858 [Charter Amendment - Rainy Day Reserve]**Supervisors Ammiano, Newsom**

Charter Amendment (Second Draft) to add Section 9.113.5 and amend Section 9.113, to create a Rainy Day (Economic Stabilization) Reserve and clarify general rules for fiscal operations.

5/13/03. ASSIGNED UNDER 30 DAY RULE to Rules Committee. expires on 6/12/2003.

6/3/03. SUBSTITUTED. Supervisor Ammiano submitted a substitute Charter amendment (Second Draft) bearing new title 6/3/03. ASSIGNED to Rules Committee.

Heard in committee. Speakers: Supervisor Ammiano; Ed Harrington, Controller; Karen Ribble, Mayor's Office; Jim Chappell, President, SPUR.

RECOMMENDED by the following vote:

Ayes: 3 - Hall, Gonzalez, Ammiano

Absent: 1 - Duffy

**030632 [Ballot Measures Submitted by the Board of Supervisors, Four or More of its Members, or the Mayor]
Supervisors Newsom, Peskin**

Charter amendment (Second Draft) to amend 2.113 and 3.100 to provide that any proposed ordinance, bond measure, or declaration of policy submitted to the Director of Elections by the Board of Supervisors, by four or more of its members, or by the Mayor, must be submitted to the Board of Supervisors no later than 45 days before the deadline for submission of the measure to the Director of Elections, and to require that the Board of Supervisors hold a hearing on the proposed ordinance, bond measure, or declaration of policy and on any amendment thereto no later than 30 days before the deadline for submission of the measure to the Board of Directors, provided that failure of the Board of Supervisors to hold a hearing on a measure submitted by less than the full Board of Supervisors or by the Mayor shall not preclude submission of the measure to the voters.

4/15/03. ASSIGNED UNDER 30 DAY RULE to Rules Committee. expires on 5/15/2003.

5/13/03. SUBSTITUTED. Supervisor Newsom submitted a substitute Charter amendment bearing new title.

5/13/03. ASSIGNED UNDER 30 DAY RULE to Rules Committee. expires on 6/12/2003.

6/11/03. CONTINUED. Heard in committee. Speakers: Mike Farrah, Aide to Supervisor Newsom; Jim Andrew, Spur, Ted Lakey, Deputy City Attorney, Sylvia Johnson.

Continued to the June 18, 2003 meeting.

Heard in committee. Speakers: Supervisor Newsom; Jim Chappell, President, SPUR; Ted Lakey, Deputy City Attorney.

Continued to June 25, 2003.

CONTINUED by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 2 - Duffy, Ammiano

Conference with City Attorney

(Convene in Closed Session)

Motion that the Rules Committee of the Board of Supervisors convene in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) and Administrative Code Section 67.8 (3), for the purpose of conferring with, or receiving advice from, the City Attorney regarding proposed settlements in the lawsuits or claims listed below.

Unanimous vote to convene in closed session by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 2 - Duffy, Ammiano

031013 [Settlement of Lawsuit - Dillingham Construction N.A. et al., v. City and County of San Francisco, et al.] Ordinance authorizing settlement of the lawsuit filed by Dillingham Construction N.A. against the City and County of San Francisco for \$2,400,000.00; the lawsuit was filed on March 19, 2001 in San Mateo County Superior Court, Case No. 416236; entitled Dillingham Construction N.A., Inc., et al., v. City and County of San Francisco, et al; other material terms of said settlement are that the settlement amount is to be paid in part through the release of \$1,050,000.00 from an unpaid progress payment and the retention account held for SFIA Airport Contract No. 5500.J North Connector Package in exchange for dismissal with prejudice of the lawsuit and the waiver of costs and attorneys fees. (City Attorney)

(Public Benefit Recipient.

6/5/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Ted Lakey, Deputy City Attorney; Terry Stewart, Deputy City Attorney; David Norman, Deputy City Attorney.

RECOMMENDED.. by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 2 - Dufty, Ammiano

Report on Closed Session

Deputy City Attorney Ted Lakey reported that the Rules Committee has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) and Administrative Code Section 67.8 (3), for the purpose of conferring with, or receiving advice from, the City Attorney regarding settlements in the lawsuits or claims listed above.

[Elect Not to Disclose]

Motion that the Committee finds that it is in the best interest of the public that the Committee elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.

Unaniuous vote not to disclose discussion to the public

ADJOURNMENT

The meeting adjourned at 12:00 p.m.

Main Library

10.84
9/03

CITY AND COUNTY



OF SAN FRANCISCO

DOCUMENTS DEPT.

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642

FAX (415) 252-0461

JUN 16 2003

SAN FRANCISCO
PUBLIC LIBRARY

June 13, 2003

TO: Rules Committee

FROM: Budget Analyst

DOCUMENTS DEPT.

SUBJECT: June 19, 2003 Special Rules Committee Meeting

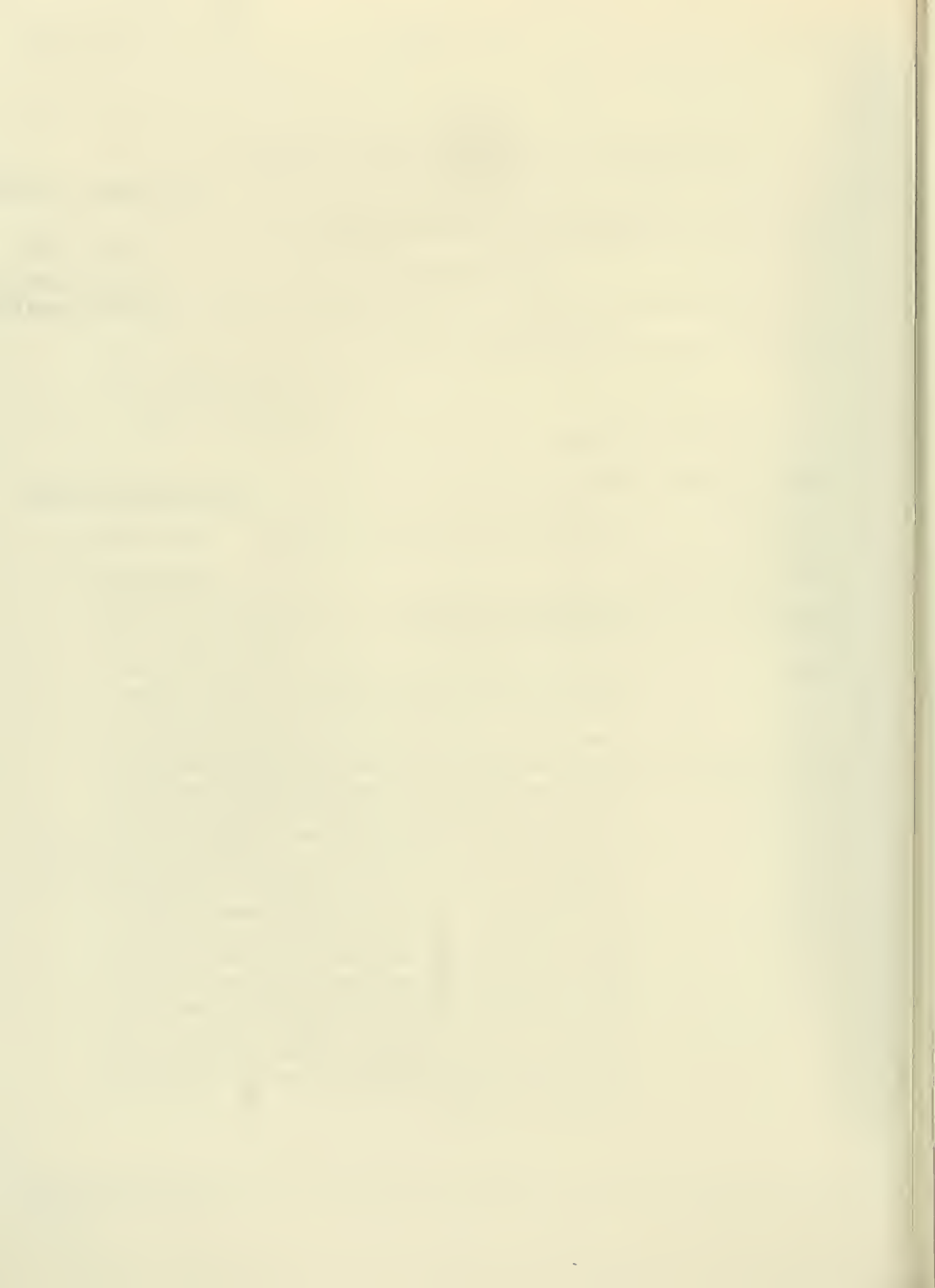
JUN 16 2003

Item 2 – File 03-0652

SAN FRANCISCO
PUBLIC LIBRARY

Department: Department of Elections

Item: Ordinance amending Sections of the Municipal Elections Code to conform the Code to recent changes in the Charter; change the deadlines for submission of materials for publication in the Voter Information Pamphlet; specify the public examination periods for each category of material submitted for publication in the Voter Information Pamphlet; modify the deadlines for delivery of the Voter Information Pamphlet prior to each general and special election; specify language for inclusion in the Voter Information Pamphlet concerning ballot measures which concern the same subject matter and which may have conflicting provisions; explicitly incorporate the State law that applies to local ballot designations; explicitly state the rules concerning ballot printing after the death of a candidate; impose a 100-word limit on bond measure statements; add definitions; correct outdated code references; codify departmental practice; and clarify ambiguous language.



Description:

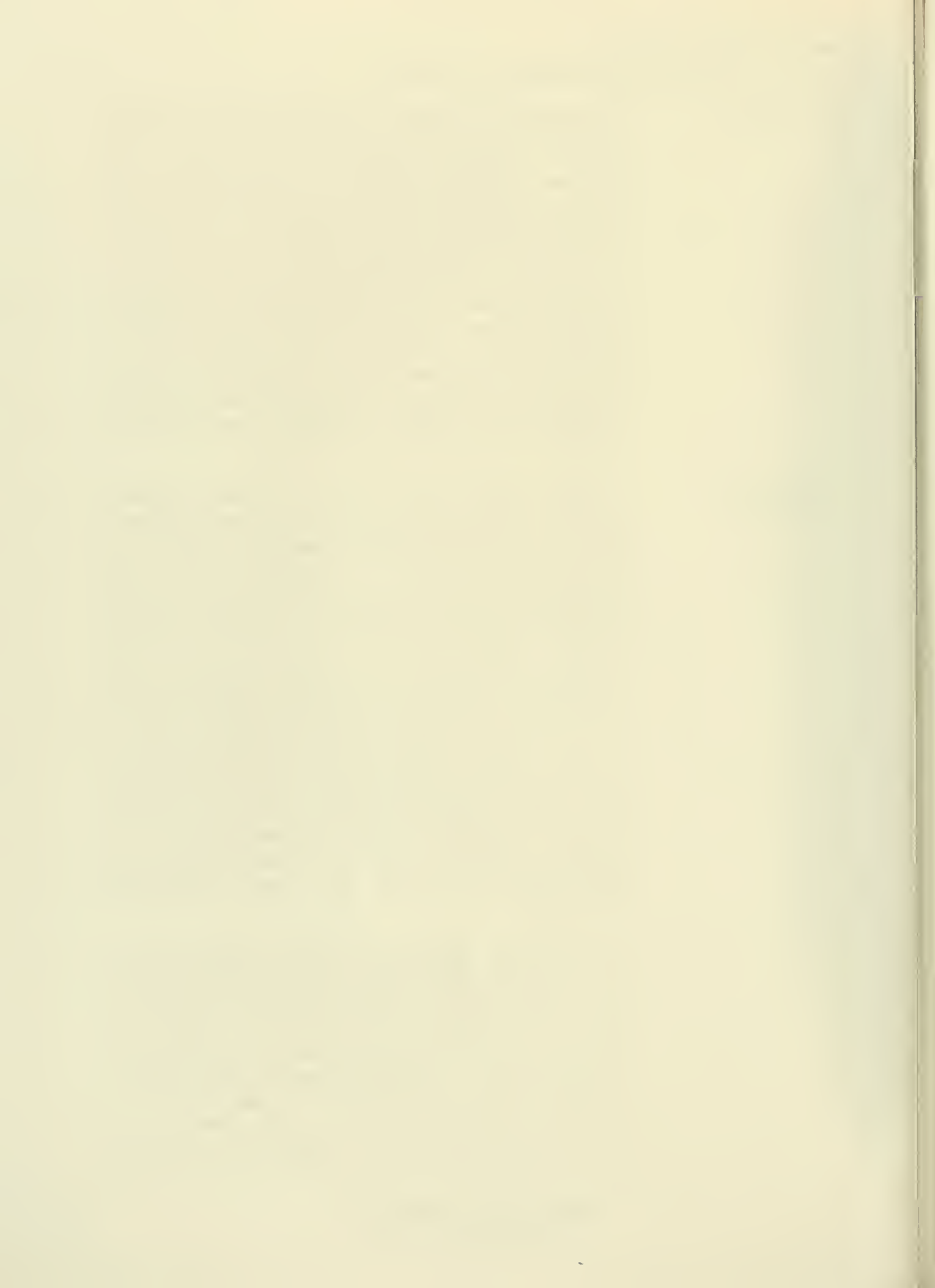
The proposed ordinance would amend the Municipal Elections Code to conform this City Code with recent changes to the City's Charter and State law. The proposed ordinance would limit the length of any ballot or bond measure to 100 words. Currently, the Municipal Elections Code provides that the general statement or question of any ballot measure shall not exceed 30 words, except where the subject measure is unusually complex, and then there are no specified word limitations. The current Municipal Elections Code does not specifically provide any language regarding word limitations for bond measures. Finally, the proposed ordinance would clarify language, add definitions, and specify procedures and practices provided by the Department of Elections.

Comments:

1. The Budget Analyst notes that the proposed ordinance would also eliminate paid ballot arguments from the Voter Information Pamphlet. According to Ms. Julie Moll of the City Attorney's Office, these provisions addressing the elimination of the paid ballot arguments were intended to be consistent with a previous ordinance (File 03-0868), which would eliminate paid ballot arguments from the Voter Information Pamphlet. This previous ordinance (File 03-0868) was heard by the Budget Committee on June 12, 2003 and forwarded to the Board of Supervisors, to be heard on June 17, 2003, with a recommendation do not approve. The Budget Analyst prepared a report on this ordinance (File 03-0868) for the June 12, 2003 Budget Committee which addresses the fiscal implications of these provisions to eliminate the paid ballot arguments from the Voter Information Pamphlet.

As noted above, the proposed subject ordinance would also eliminate the Sections in the Municipal Elections Code regarding paid ballot arguments from the Voter Information Pamphlet. If the Board of Supervisors does not approve the elimination of the paid ballot arguments in the previous ordinance (File 03-0868), then the subject ordinance should be amended to reinstate those provisions. Mr. John Arntz of the Department of Elections advises that the Department is reviewing the need to change the deadline dates for

BOARD OF SUPERVISORS
BUDGET ANALYST



the submittal of paid ballot arguments, if the paid ballot arguments are not eliminated.

2. According to Mr. Arntz, the other provisions in the proposed ordinance are not anticipated to have a significant fiscal impact on the Department of Elections. However, Mr. Arntz advises that the proposed ordinance will clarify the Department's procedures, specify deadlines and potentially increase operating efficiencies within the Department.

Recommendations: 1. If necessary, amend the proposed ordinance, as discussed in Comment No.1, to be consistent with a previous ordinance (File 03-0868), currently pending before the Board of Supervisors..

2. Approve the proposed ordinance, as amended.

M
J
I
L
D

Item 3 - File 03-0994

Department: Ethics Commission

Item: Ordinance amending Article I, Chapter 3 of the Campaign and Governmental Conduct Code, by amending Sections 1.305, 1.310 and 1.315 and adding Section 1.312 to require political committees to file electronic copies of supplemental independent expenditure reports that must be filed on paper with the Commission, authorize the Ethics Commission to require political committees to file electronic copies of any other campaign disclosure statements that must be filed on paper with the Commission; require political committees to continue to file electronic copies of campaign disclosure statements, regardless of the committee's level of financial activity, until the committee files a statement of termination; eliminate redundant definitions; and increase the late filing fine from \$10 per day to \$25 per day.

Description: The proposed ordinance would amend the Campaign and Governmental Conduct Code to authorize the Ethics Commission to require political committees to file electronic copies of expenditure reports and any other campaign disclosure statements in addition to the current requirement of filing such reports and statements on paper with the Ethics Commission until the political committee files a statement of termination. Additionally, the proposed Ordinance Amendment would increase the late filing fine for any political committee which files an electronic copy of a statement or report after the deadline imposed by the California Political Reform Act from \$10 per day to \$25 per day.

According to Ms. Ginny Vida of the Ethics Commission the proposed ordinance requires electronic filing requirements of political committees in addition to paper filing in an effort to make campaign information more accessible to the public and increase the Ethic's Commission staff's efficiency in administering the campaign finance program. Ms. Vida adds that public access to such campaign information will assist voters in making better and more informed electoral decisions and

assist in ensuring compliance with campaign finance laws.

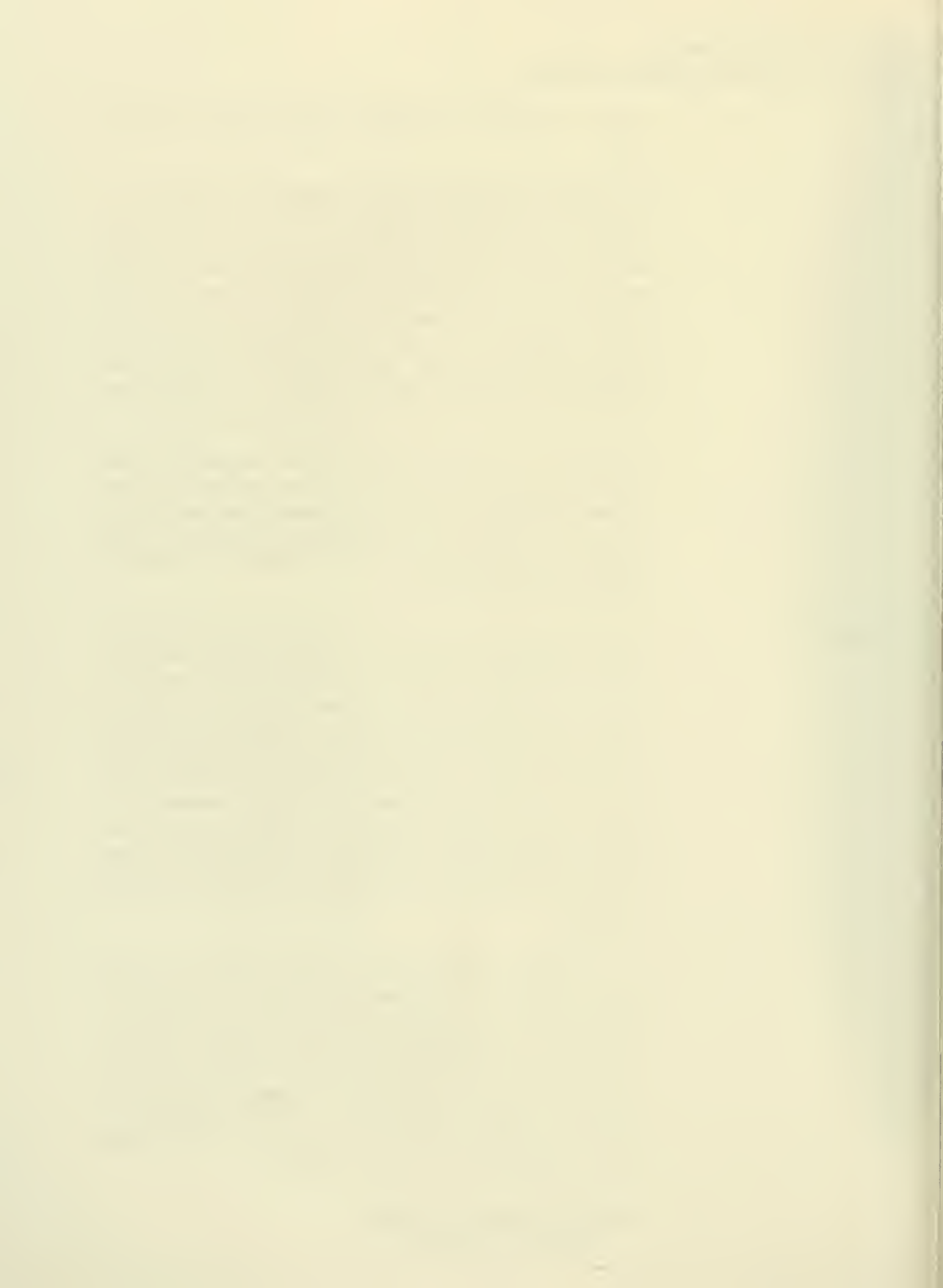
The Ethics Commission is also proposing an increase in the fine for late filing, according to Ms. Vida, to encourage compliance and increase the number of electronic filings filed on a timely basis. Ms. Vida notes that the late fines have not been increased since 1993. The proposed fine increase would increase late filing fines charged to political committees by \$15 or 150 percent, from \$10.00 per day to \$25.00 per day. According to Ms. Vida, the late filing fine revenues will be used to improve the administration of the Ethics Commission's programs.

Attachment I, provided by Ms. Vida, contains a table showing the current annual revenues realized from the existing late fine and the proposed annual increase in fine revenues if the new fines are adopted, showing that the increase in fines would result in additional estimated annual revenues of \$23,244.

Comments:

1. According to the Campaign and Governmental Conduct Code, a political committee is defined as any person or group of persons who are controlled by a candidate running for political office in San Francisco, or who is formed or exists primarily to support or oppose candidates or ballot measures which are being voted on by the City's electorate, or who is a general purpose committee active only in the City. Additionally, a political committee is defined as any person or group of persons who receives contributions or makes independent expenditures totaling \$5,000 or more in a calendar year on behalf of candidate(s) running for political office or ballot measures.

2. As reported in Attachment I, the proposed late fines would result in total estimated annual revenue of \$38,740. Such revenues have been requested in the Ethics Commission's FY 2003-2004 proposed budget, according to Ms. Vida. According to Ms. Dawn Kamalanathan of the Mayor's Budget staff, the Mayor's recommended FY 2003-2004 budget includes the estimated \$38,740 in Ethics Commission fine revenues based on the Ethics Commission's proposed increase in fines.

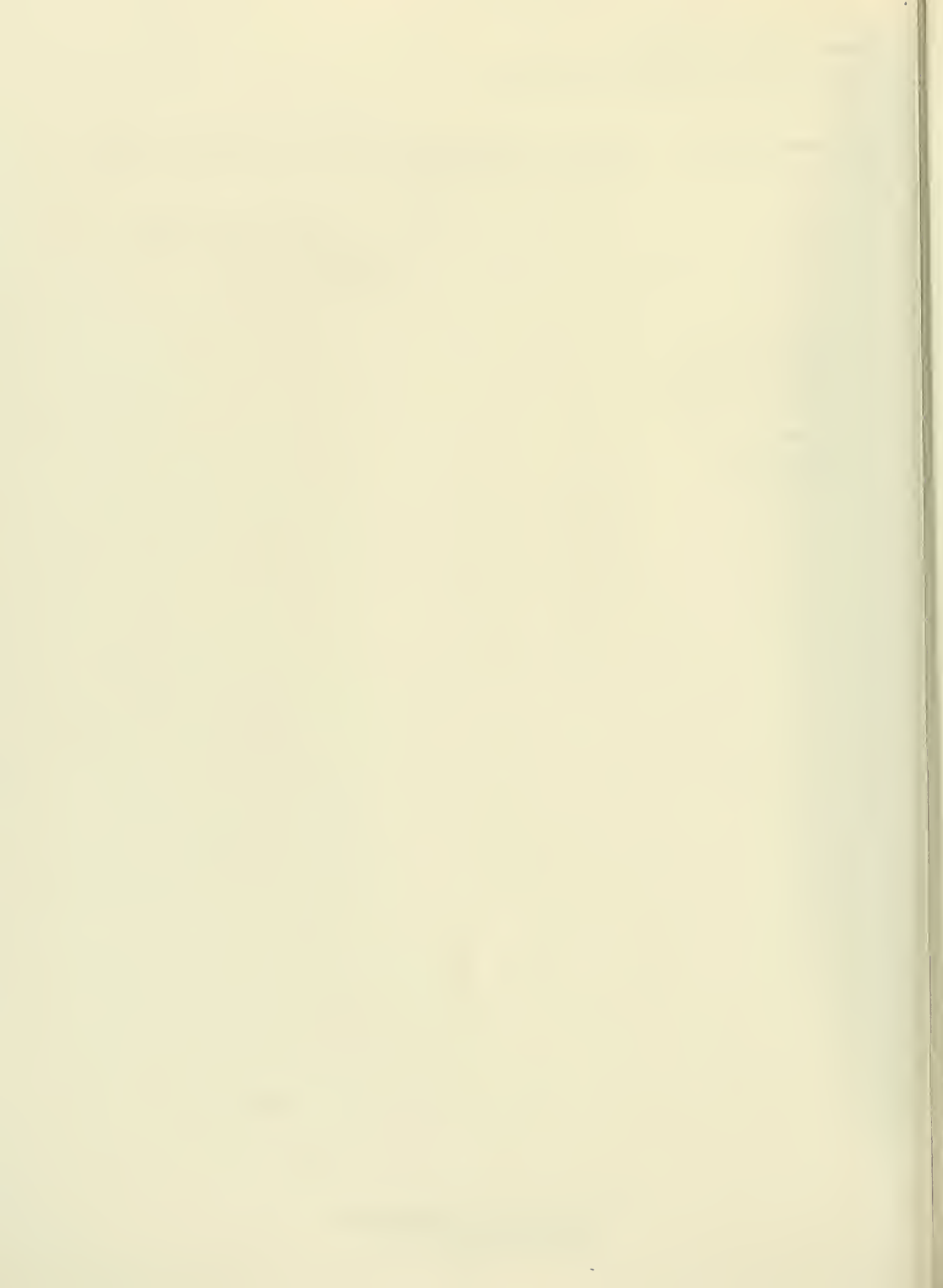


Recommendation: Approval of the proposed ordinance is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc: Supervisor Hall
Supervisor Dufty
President Gonzalez
Clerk of the Board
Controller
Ben Rosenfield
Ted Lakey



Ethics Commission: Increase in Late filing Fees
File Number 03-0994

Fee name	Existing Fee	Proposed Fee	Proposed percent increase in fee	Revenue Realized in FY01-02	Projected annual Revenue from proposed fee level	Annual Increase in Revenue
Late filing fees	\$ 10.00	\$ 25.00	150%	\$15,496.00	\$38,740.00	\$23,244.00

Please note: our collection records do not discriminate between late fines for late electronic filing and for late paper filing of campaign reports. As of 5/8/03, we had assessed \$38,740 in late electronic fines. Our collection rate is 40%. Therefore, we believe it is fair to say that 40% of the \$38,740 has been realized this year -- \$15,496.

source: Ethics Commission



City and County of San Francisco

Meeting Minutes

Rules Committee

Members: Tony Hall, Bevan Dufty and Matt Gonzalez

Clerk: Deborah Muccino

City Hall
1 Dr. Carlton B.
Goodlett Place
San Francisco, CA
94102-4689

Thursday, June 19, 2003

9:30 AM

Legislative Chambers

Special Meeting

Members Present: Tony Hall, Matt Gonzalez, Tom Ammiano.

Members Absent: Bevan Dufty.

DOCUMENTS DEPT.

JUN 20 2003

SAN FRANCISCO
PUBLIC LIBRARY

MEETING CONVENED

The meeting convened at 9:48 a.m. Board President Gonzalez appointed Supervisor Ammiano to serve on the Rules Committee temporarily for quorum purposes, for today's meeting only.

**030859 [Charter Amendment - Police Commission; Office of Citizen Complaints: Police Misconduct]
Supervisors Ammiano, McGoldrick**

Charter amendment (First Draft) to amend the Charter of the City and County by amending Sections 4.109, 4.127, A8.343 and A8.344.

5/13/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/12/2003.

Heard in committee. Speakers: Supervisor Ammiano; Dorji Roberts, Deputy City Attorney; Ted Lakey, Deputy City Attorney; Alex Fagan, Acting Chief of Police; Kevin Allen, Director of Office of Citizens Complaints; Francisco DaCosta; David Parker; John Trasvina; Gerard Koskovich; Susie McAllister; Mesha Irizarry; Art Tapia; Martha Bridegam; Kevyn Lutton; Deborah Glenn-Rogers; Kevy Brannelly; Malaika Parker; Michael Molina; Mark Schlossberg; Manuel Aparigo; N'Tonya Lee; Mark Saloman; Winchell Hayward; Willie Radcliff.

6/19/03 Amendment of the whole bearing new title.

Continued to June 26, 2003.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

Charter amendment (Second Draft) to amend the Charter of the City and County by amending Sections 4.109, 4.127, A8.343 and A8.344, governing the appointment and removal of Police Commissions, the terms of the commissioners, authorizing the director of the OCC to file disciplinary charges, and other disciplinary provisions.

CONTINUED by the following vote:

Ayes: 3 - Hall, Gonzalez, Ammiano

Absent: 1 - Dufty

030652 [Amendments to the Municipal Elections Code]

Ordinance amending the Municipal Elections Code to amend Sections 110, 200, 250, 260, 300, 360, 370, 500, 510, 530, 535, 550, 590, 595, and 800, add Sections 225 and 270, and delete Sections 555, 560, 565, 570, 585, 830 and 930 to: Conform the Municipal Elections Code to recent changes in the Charter; change the deadlines for submission of materials for publication in the Voter Information Pamphlet; specify the public examination periods for each category of material submitted for publication in the Voter Information Pamphlet; modify the deadlines for delivery of the Voter Information Pamphlet prior to each general and special election; specify language for inclusion in the Voter Information Pamphlet concerning ballot measures which concern the same subject matter and which may have conflicting provisions; explicitly incorporate the State law that applies to local ballot designations; explicitly state the rules concerning ballot printing after the death of a candidate; impose a 100-word limit on bond measure statements; add definitions; correct outdated code references; codify departmental practice; and clarify ambiguous language. (Elections Department)

4/15/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 5/29/2003.

5/13/03, SUBSTITUTED. City Attorney submitted a substitute ordinance bearing new title.

5/13/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee.

Heard in committee. Speakers: Supervisor Ammiano; John Arntz, Director of Elections; Ted Lakey, Deputy City Attorney.

6/19/03 Amendment of the whole bearing new title.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

Ordinance amending the Municipal Elections Code to amend Sections 110, 200, 250, 260, 300, 360, 370, 500, 510, 530, 535, 550, 590, 595, and 800, add Sections 225 and 270, and delete Section 930 to: Conform the Municipal Elections Code to recent changes in the Charter; change the deadlines for submission of materials for publication in the Voter Information Pamphlet; specify the public examination periods for each category of material submitted for publication in the Voter Information Pamphlet; modify the deadlines for delivery of the Voter Information Pamphlet prior to each general and special election; specify language for inclusion in the Voter Information Pamphlet concerning ballot measures which concern the same subject matter and which may have conflicting provisions; explicitly incorporate the State law that applies to local ballot designations; explicitly state the rules concerning ballot printing after the death of a candidate; impose a 100-word limit on bond measure statements; add definitions; correct outdated code references; codify departmental practice; and clarify ambiguous language. (Elections Department)

RECOMMENDED by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 2 - Dufty, Ammiano

030994 [Filing Electronic Copies of Campaign Statements]**Supervisor Ammiano**

Ordinance amending Article I, Chapter 3 of the Campaign and Governmental Conduct Code, by amending Sections 1.305, 1.310 and 1.315, and adding Section 1.312, to require political committees to file electronic copies of supplemental independent expenditure reports that must be filed on paper with the Commission; authorize the Ethics Commission to require political committees to file electronic copies of any other campaign disclosure statements that must be filed on paper with the Commission; require political committees to continue to file electronic copies of campaign disclosure statements, regardless of the committee's level of financial activity, until the committee files a statement of termination; eliminate redundant definitions; and increase the late filing fine from \$10 per day to \$25 per day.

6/3/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Gimmy Vida, Ethics Commission.

RECOMMENDED by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 2 - Dufty, Ammiano

030681 [Charter Amendment-Ethics provisions to move various provisions into ordinances, to enact new provisions, to make technical changes, and to clarify ambiguities in existing provisions.]

Supervisor Ammiano

Charter amendment (Second Draft) to amend Sections 4.108, 4.109, 10.101, 15.100, 15.103, 15.105, 16.118 and Article XVII, deleting Sections 15.104, 15.106, 15.108, C8.105 and adding Sections 18.115, C9.101, C9.102, C9.103, C9.104, C9.105, C9.106, C9.107, C9.108, C9.109, C9.110, C9.111, C9.112, C9.113, C9.114, C9.115, C9.116, C9.117, C9.118, C9.119, C9.120, C9.121, C9.122, C9.123, C9.124, C9.125 and C9.126 to enact new conflict of interest provisions, to make technical changes, to move various provisions into ordinances, and to clarify existing provisions.

4/22/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 5/22/2003.

5/13/03, SUBSTITUTED. Supervisor Ammiano submitted a substitute bearing new title.

5/13/03, ASSIGNED UNDER 30 DAY RULE.

Heard in committee. Speakers: Ginny Vida, Ethics Commission; Nancy Chin; Winchell Hayward; Ted Lakey, Deputy City Attorney.

6/19/03 Amendment of the whole bearing new title.

AMENDED. AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

File 030681 was amended (into a third draft) then divided. This amendment was then continued to June 26, 2003. The divided portion was created anew as File 031147 (as a first draft).

DIVIDED.

Charter amendment (Third Draft) to amend Sections 4.108, 4.109, 15.100, 15.103, 15.105, 16.118 and Article XVII, deleting Sections 15.104, 15.106, 15.108, C8.105 and adding Section 18.115 and Appendix Sections C9.101, C9.102, C9.103, C9.104, C9.105, C9.106, C9.107, C9.108, C9.109, C9.110, C9.111, C9.112, C9.113, C9.114, C9.115, C9.116, C9.117, C9.118, C9.119, C9.120, C9.121, C9.122, C9.123, C9.124, C9.125, C9.126 and C9.127 to enact new conflict of interest provisions, to make technical changes, to move various provisions into ordinances, and to clarify existing provisions.

CONTINUED AS DIVIDED by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 2 - Dufty, Ammiano

031147 [Charter Amendment-Ethics provisions to move various provisions into ordinances, to enact new provisions, to make technical changes, and to clarify ambiguities in existing provisions.]

Charter amendment (First draft-previously second draft of File 030681) to amend Sections 4.108, 4.109, 10.101, 15.100, 15.103, 15.105, 16.118 and Article XVII, deleting Sections 15.104, 15.106, 15.108, C8.105 and adding Sections 18.115, C9.101, C9.102, C9.103, C9.104, C9.105, C9.106, C9.107, C9.108, C9.109, C9.110, C9.111, C9.112, C9.113, C9.114, C9.115, C9.116, C9.117, C9.118, C9.119, C9.120, C9.121, C9.122, C9.123, C9.124, C9.125 and C9.126 to enact new conflict of interest provisions, to make technical changes, to move various provisions into ordinances, and to clarify existing provisions.

Divided from file 030681 and continued to June 26, 2003.

CONTINUED by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 2 - Dufty, Ammiano

030853 [Charter Amendment - Board of Supervisors Proceedings]**Supervisor Gonzalez**

Charter amendment (First Draft) to amend Sections 2.103, 2.104, and Article XVII, to modify the provisions governing the proceedings of the Board of Supervisors by tolling deadlines for action by the Board when the Board is in recess, and by reducing the number of votes required at the Board of Supervisors for various actions when one or more Board members are disqualified from voting on a matter because of a conflict of interest.

5/13/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/12/2003.

Heard in committee. Speakers: None.

6/19/03 Amendment of the whole bearing new title.

Continued to June 26, 2003.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

Charter amendment (Second Draft) to amend Sections 2.103, 2.104, and Article XVII, to modify the provisions governing the proceedings of the Board of Supervisors by tolling deadlines for action by the Board when the Board is in recess, by reducing the number of votes required at the Board of Supervisors for various actions when one or more Board members are disqualified from voting on a matter because of a conflict of interest, and by limiting hold-over appointments to 30 days.

CONTINUED by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 2 - Dufty, Ammiano

ADJOURNMENT

The meeting adjourned at 12:02 p.m.

90.84
3
/23/03

CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642

FAX (415) 252-0461

June 18, 2003

TO: ≡ Rules Committee

DOCUMENTS DEPT

FROM: ≡ Budget Analyst

JUN 24 2003

SUBJECT: June 23, 2003 Rules Committee Meeting

SAN FRANCISCO
PUBLIC LIBRARY

Item 2 - File 03-0865

Department: Sheriff's Department
Police Department

Proposed Charter

Amendment: Charter Amendment amending Section 6.105 and providing for the repeal of Section 4.109, to transfer the Police Department's functions, assets, and operations to the Sheriff.

Draft: Second

Charter Sections Affected: Sections 6.105 and 4.109

Description: Currently, the existing Charter provides for an elected Sheriff who a) maintains the County Jail, b) provides security in courtrooms and specified public buildings, and c) executes orders and serves summons and official documents issued by the courts, Board of

Supervisors, or City boards and commissions. The existing Charter also provides for a five-member civilian Police Commission and a Chief of Police that is appointed by the Mayor, and a Police Department, which provides basic law enforcement services.

The proposed Charter amendment, if approved by the voters, would 1) repeal Section 4.109 of the existing Charter, to eliminate the five-member civilian Police Commission appointed by the Mayor, and 2) amend Section 6.105, to grant the Sheriff all of the powers and duties of the Police Commission and the Chief of Police, and transfer the Police Department into the Sheriff's Department. According to Mr. Tom Owen of the City Attorney's Office, the proposed Charter Amendment would eliminate the Chief of Police position.

Under Section 6.105 of the proposed Charter Amendment, on or before January 31, 2004, a seven-member voting committee would be established, four of them would be members of the public appointed by the Mayor, and three of them would be members of the public appointed by the Board of Supervisors; the committee would also include four ex-officio non voting members consisting of the Controller, Chief of Police, Sheriff (or their designees), and the City Attorney, according to Mr. Owen. Under the proposed Charter Amendment, the committee would be established for the purpose of studying the proposed "merger" between the Sheriff's Department and the Police Department, and make recommendations regarding the implementation of such a "merger".

Additionally, under Section 6.105 of the proposed Charter Amendment, on January 8, 2005, the terms of office of the members of the Police Commission would expire immediately and Section 4.109, which establishes the Police Commission, would be repealed; the Sheriff would assume all the powers and duties of the Police Commission and the Chief of Police; and the Police Department would be transferred into the Sheriff's Department. The transfer of the Police

BOARD OF SUPERVISORS
BUDGET ANALYST

Department into the Sheriff's Department would include the transfer of all sworn and civilian personnel, facilities, equipment, and funds of the Police Department. The Sheriff would be allowed to appoint one attorney, one under-sheriff, one assistant sheriff, and one confidential secretary.

The proposed Charter Amendment states that the above provisions would only take effect if, by January 8, 2005, the Board of Supervisors finds that the transfer would:

- 1) save the City money, as verified by the Controller or the Budget Analyst;
- 2) not diminish or compromise the right of citizens to file complaints with the Office of Citizen Complaints, which would be transferred to the Sheriff's Department; and
- 3) enhance public safety.

Further, the proposed Charter Amendment states that if by January 8, 2005, the Board of Supervisors fails to make any of the three findings noted above, the implementation of the proposed Charter provisions would not be effective.

Comments:

1. As of the writing of this report, the Controller has not made any specific cost estimates of the proposed Charter Amendment, which would consist of 1) the cost to study the proposed transfer of the Police Department into the Sheriff's Department, and 2) the cost to verify that the transfer of the Police Department into the Sheriff's Department would result in savings to the City. The Controller will be providing such estimates directly to the Rules Committee.

2. According to Ms. Michelle Allersma of the Controller's Office, the cost to verify that the transfer would result in cost savings to the City, would likely be absorbed in the Controller's FY 2003-2004 budget or the Budget Analyst's existing contract. In

addition, according to Ms. Allersma, the cost for the committee to study the transfer would be "minimal".

Recommendation: Approval of the proposed Charter Amendment is a policy matter for the Board of Supervisors.

Item 3 - File 03-0812

Department: Controller's Office

Proposed Charter Amendment: Charter Amendment amending Section 3.105 and adding Appendix F to designate the Controller as the City Services Auditor, establish duties for that function, and set aside 0.2 percent of the City's annual budget for a Controller's Audit Fund.

Draft: Third

Charter Sections Affected: Sections 3.105

Description: Section 3.105 of the current Charter establishes the Controller as the chief fiscal officer of the City and County, with responsibilities that include issuing from time to time such periodic or special financial reports as may be requested by the Mayor or Board of Supervisors. Under the existing Administrative Code, the Controller is required to have a Performance and Efficiency Audit Office established within the Controller's Office to improve the overall efficiency of the City and County.

The proposed Charter Amendment, if approved by the voters, would amend Section 3.105 to designate the Controller, in addition to existing responsibilities, as the City Services Auditor for the City and County, with the responsibility as City Services Auditor of monitoring the level and effectiveness of services rendered by the City to its residents. The proposed Charter Amendment would also add Appendix F (Sections F1.100 through F1.114) to the existing Charter to establish the powers and duties for the City Services Auditor, and to set aside 0.2 percent of the City's annual budget for a Controller's Audit Fund.

Under Appendix F of the proposed Charter Amendment, the Controller would be required to

BOARD OF SUPERVISORS
BUDGET ANALYST

establish a new Services Audit Unit within the Controller's Office to:

- establish performance and cost benchmarks for all City departments and conduct comparisons of the cost and performance of the City's government with other similar cities, counties and public agencies,
- conduct an annual performance audit of the City's street, sidewalk, and park maintenance and cleaning operations,
- conduct an annual review of management and employment practices,
- conduct periodic, comprehensive financial and performance audits of City departments, services, and activities.

The Attachment provided by the City Attorney's Office, is a legislative digest, which further describes the functions of the proposed Services Audit Unit, and other duties required of the Controller as City Services Auditor. These duties include:

- publishing and distributing final performance audits,
- overseeing the City's contracting procedures,
- investigating citizen complaints,
- maintaining and publicizing a whistleblower and citizen complaint hotline telephone number and website, and
- reviewing whether and how City departments prepare customer service plans.

The proposed Charter Amendment would also create a seven-member Citizens Audit Review Board to advise the Controller regarding performance of the subject duties as City Services Auditor. The seven-member Citizens Audit Review Board would consist of two members to be appointed by the Mayor, two members to be appointed by the Board of Supervisors, one member to be chosen by the Controller, one member to be chosen by the Civil Grand Jury, and one member to be chosen by the City Attorney.

Finally, under the proposed Charter Amendment, a Controller's Audit Fund would be established to fund the implementation of the provisions of the proposed Charter Amendment. According to the proposed Charter Amendment, the City would be required to set aside at least two-tenths of one percent (0.2%) of the City's overall budget, excluding debt service payments, to fund the implementation of the proposed Charter Amendment (see Comment No. 2).

Comments:

1. As of the writing of this report, the Controller has not made any specific cost estimates of the proposed Charter Amendment. The Controller will be providing such estimates directly to the Rules Committee.

2. As shown in the table below, based on the City's FY 2003-2004 budget, of \$4,263,248,918 net of debt service payments, as recommended by the Mayor, the amount of the Controller's Audit Fund that would be required if the proposed Charter Amendment is approved, based on 0.2 percent of the City's total budget, would be \$8,526,498. The Controller's proposed FY 2003-2004 budget includes funding in the amount of \$3,175,470, including work order funds, for its Audits Program. Therefore, based on FY 2003-2004 data, the increase in funds dedicated to the Controller's audit function based on the 0.2 percent set aside for the Controller's Audit Fund would be \$5,351,028 annually over the current level of funding as follows:

**City's FY 2003-2004 Budget
Recommended by the Mayor**

General Fund	\$2,241,213,773	
Less: Debt Service	<u>126,004,468</u>	
Net General Fund		\$2,115,209,305
Non-General Fund	2,548,968,855	
Less: Debt Service	<u>400,929,242</u>	
Net Non-General Fund		<u>2,148,039,613</u>
Total		\$ 4,263,248,918

0.2 Percent Controller's Audit Fund

General Fund (.002 x 2,115,209,305)	\$ 4,230,419	
Non-General Fund (.002 x 2,148,039,613)	<u>4,296,079</u>	
Total		\$ 8,526,498

FY 2003-2004 Controller's Audit Budget as presently Recommended by the Mayor	<u>\$ 3,175,470</u>
---	---------------------

Additional Funds Needed to Increase Controller's Audit Budget set aside in accordance with the Proposed Charter Amendment	\$ 5,351,028
--	---------------------

3. The proposed Charter Amendment would allow the Controller to contract any of the duties of the City Services Auditor to an outside expert or firm without the approval of any City agency including the Mayor and the Board of Supervisors.

Recommendation: Approval of the proposed Charter Amendment is a policy matter for the Board of Supervisors.

LEGISLATIVE DIGEST

[Designating the Controller as City Services Auditor, establishing duties, and setting aside 0.2 percent of the City's annual budget for a Controller's Audit Fund.]

A proposal to amend the Charter of the City and County of San Francisco at an election to be held on November 4, 2003 by amending Section 3.105 and adding Appendix F, to designate the Controller as the City Services Auditor, establish duties for that function, and set aside 0.2 percent of the City's annual budget for a Controller's Audit Fund.

Existing Law

The Controller is the chief fiscal officer of the City and County. The powers and duties of the Controller are set out in Charter Section 3.105. The Controller "shall issue from time to time such periodic or special financial reports as may be requested by the Mayor or Board of Supervisors." Under the Administrative Code, the Controller is required to have a Performance and Efficiency Audit Office.

Amendments to Current Law

The first part of the proposal would amend Charter Section 3.105 to provide that the Controller shall also serve as the "City Services Auditor" for the City and County. As Auditor, the Controller would be responsible for monitoring the level and effectiveness of services rendered by the City to its residents.

The second part of the proposal would add a new Appendix F (Sections F1.100 to F1.114) to the Charter, to set out the specific powers and duties of the Controller as City Services Auditor:

Section F1.100. Findings.

This section explains why the proponents have submitted the measure, and summarizes some of the changes that the measure would make.

Sec. F1.101. City Services Auditor; Services Audit Unit.

This section would make the Controller the City Services Auditor, and make him or her responsible for monitoring the level and effectiveness of services provided by City government to the public.

The Controller would establish a Services Audit Unit. The Services Audit Unit would establish performance and cost benchmarks for all City departments and conduct comparisons of the cost and performance of San Francisco City government with other cities, counties and public agencies performing similar functions.

Among other things, the Services Audit Unit would review:

- The cleanliness and condition of streets, sidewalks, and the urban environment and landscape;
- The performance of other public works and government-controlled public utilities, including water and clean water programs;
- Parks, cultural and recreational facilities;
- Transportation, as measured by the standards set out in Charter Section 8A.103, but the Municipal Transportation Agency would continue to have primary responsibility for such assessment;
- The criminal justice system, including the Police Department, Juvenile and Adult Probation Departments, Sheriff, District Attorney and Public Defender;
- Fire and paramedic services;
- Public health and human services;
- City management; and,
- Human resources functions, including personnel and labor relations.

Sec. F1.102. Street, Sidewalk, and Park Cleaning and Maintenance.

The Services Audit Unit would conduct an annual performance audit of the City's street, sidewalk, and park maintenance and cleaning operations.

All city agencies engaged in street, sidewalk, or park maintenance would have to establish regular maintenance schedules for streets, sidewalks, and parks, and provide the public with information on how they are meeting those schedules.

Sec. F1.103. Management Practices.

The Services Audit Unit would conduct an annual review of management and employment practices, including City policies labor agreements, that either promote or impede the effective and efficient operation of city government. The Unit would also identify the top five City departments by workers compensation claims and the top five departments by overtime expenditures.

Sec. F1.104. Performance Audits.

The City Services Audit Unit would conduct periodic, comprehensive financial and performance audits of city departments, services, and activities. The Controller would select the departments, services, and activities to be audited, giving priority to those involved in providing direct services to City residents. Absent extraordinary circumstances, no department, service, or activity shall be audited on the same topic for two successive years.

Sec. F1.105. Audit Results.

Before any report relating to the operations or activities of a City officer or agency was made public, the Controller would give the officer or head of the agency an opportunity to review the report and respond in writing. The response would be included with the report.

The Controller would publish and distribute all final performance audits. Each audited department would include with its next two annual budget requests following such audit a report on the status of any recommendations the Controller made as part of the audit.

To avoid conflicts of interest, all employees engaged in preparation of audits would be designated as confidential employees. If regular audit staff were unable to participate in an audit due to a potential conflict of interest, or as a result the employee's collective bargaining representation, the Controller could assign other employees regardless of civil service job description, hire outside experts, or contract for such services with an outside individual or agency.

Sec. F1.106. Oversight Of Contracting Procedures.

The Controller would oversee the City's contracting procedures, including developing model criteria and terms for requests for proposals (RFPs), auditing compliance with City contracting rules and procedures, and, where appropriate, investigating cases of alleged abuse or conflict of interest. Nothing in this Section would affect or limit the jurisdiction of any other City officer or department over contracting.

Sec. F1.107. Citizens' Complaints; Whistleblowers.

The Controller would investigate citizen complaints concerning the quality and delivery of government services, wasteful and inefficient City government practices, misuse of City government funds, and improper activities by City government officers and employees. The Controller would refer complaints falling within the exclusive jurisdiction of the District Attorney or the Ethics Commission to those offices.

The Controller would maintain and publicize a whistleblower and citizen complaint hotline telephone number and website. The Board of Supervisors would be required to enact an ordinance protecting the confidentiality of whistleblowers, and protecting City officers and employees from retaliation for filing a complaint with, or providing information to, the Controller, Ethics Commission, District Attorney, City Attorney or a City department or commission about improper government activity by City officers and employees.

The Controller could also, at the request of a resident, taxpayer, neighborhood organization, or elected official, or on his or her own motion, investigate any alleged failure of a City officer or agency to comply with any provision of the City Charter, law, or regulation. If the Controller concluded that there was a substantial failure to comply, he or she would send a preliminary report to the officer and the head of each agency involved. Within a reasonable time after submitting the preliminary report, the Controller would issue a final public report.

Sec. F1.108. Customer Service Plans.

The Controller would review whether and how City departments prepared customer service plans required under the Charter.

Sec. F1.109. Legislation.

The Controller could propose legislation to the Board of Supervisors to improve City programs and services and to make the delivery of such programs and services more efficient.

Sec. F1.110. Access To Records; Preliminary Reports.

The Controller would have timely access to all non-privileged records and documents he or she deemed necessary to complete any inquiries and reviews covered by the Appendix. The Controller could enforce his or her right of access by subpoena.

Except to the extent required by state or federal law, all drafts, notes, preliminary reports of Controller's benchmark studies, audits, investigations and other reports would be confidential.

Sec. F1.111. Citizens Audit Review Board.

The proposal would create a Citizens Audit Review Board. The Review Board would consist of seven members: two appointed by the Mayor, two by the Board of Supervisors, one by the Controller with municipal auditing or performance review experience, one by the Civil Grand Jury who is a member of a bona fide business or taxpayer group, and one by the City Attorney.

The Review Board would advise the Controller regarding performance of his or her duties as the City Services Auditor. The Review Board could:

- Review the Controller's service standards and benchmarks to ensure their accuracy and usefulness;
- Review audits to ensure that they meet the requirements set forth above;
- Subject to appropriate rules ensuring the confidentiality of complainants, review citizen and employee complaints received through the whistleblower/complaint hotline and website and the Controller's disposition of those complaints; and
- Hold public hearings regarding the results of benchmark studies and audits to encourage the adoption of "best practices" consistent with the conclusions of the studies and audits.

Sec. F1.112. Outside Experts.

The Controller could contract with outside, independent experts to perform his or her duties as City Services Auditor, and would not be required to get the approval of any City agency to execute contracts with such individuals.

No outside expert or firm would be eligible to participate in an audit or investigation of any matter where that expert or firm had previously given advice or services for pay to any individual, corporation or City department involved in the matter other than the Controller.

Sec. F1.113. Controller's Audit Fund.

Under the proposal, the City would set aside at least two-tenths of one percent (0.2%) of the City's overall budget, excluding bond related debt, for a Controller's Audit Fund, to be used exclusively to implement the proposal. Money from the Audit Fund could not be used to replace existing funding for non-audit related functions of the Controller's Office.

Sec. F1.114. Operative Date; Severability.

This proposal would go into effect 180 days after the charter amendment was filed with the Secretary of State following the election.

Item 4 - File 01-1654

Note: This is the second draft of File 01-1654, which was continued from the November 1, 2001 Rules Committee Meeting.

Proposed Charter

Amendment:

Charter Amendment amending Article VI and adding Section 16.121 to (a) create the Public Advocate, (b) establish the Department of Neighborhood Empowerment, and (c) create neighborhood councils.

Draft:

Second

Charter Sections

Affected:

Article VI, Sections 6.100, 6.108, and 16.121

Description:

The proposed Charter Amendment would (a) create the Public Advocate, (b) establish the Department of Neighborhood Empowerment, and (c) create neighborhood councils.

Under the proposed Charter Amendment, Article V, Section 6.100 would be amended to add "Public Advocate" to the City and County of San Francisco officers required to be elected. The Public Advocate would be elected to a four-year term, commencing in November of 2003, in the same manner as other elected officials, including the Assessor-Recorder, the City Attorney, the District Attorney, the Public Defender, the Sheriff, and the Treasurer. The role of the Public Advocate would be to:

- Review complaints regarding City services and programs that are recurring, multi-neighborhood, or Citywide, and make recommendations to improve the City's response to such complaints.
- Receive, investigate, and attempt to resolve individual complaints regarding City services and administrative actions of City agencies, except for those which (i) another City agency is required by law to adjudicate, (ii) may be resolved through a grievance mechanism established by collective bargaining agreement or contract, or (iii) involve allegations of conduct which may constitute a violation of criminal law or a governmental ethics law.

BOARD OF SUPERVISORS
BUDGET ANALYST

- Inquire, on the request of a resident, taxpayer, neighborhood organization, elected official, or by his or her own motion, into any alleged failure by a City officer or agency to comply with any provision of the Charter, except for those matters which involve conduct which may constitute a violation of criminal law or a governmental ethics code. If the Public Advocate concludes that there is any substantial failure to comply with any provision of the Charter, the Public Advocate will submit a preliminary report to the City official or agency involved in the inquiry and submit a final report to the Board of Supervisors, Mayor and City agency documenting the conclusions of the inquiry.
- Serve as a non-voting ex-officio member of City Commissions and committees of the Board of Supervisors, including introducing legislation to improve City programs and services. The Public Advocate may attend closed sessions of the Board of Supervisors and City Commissions, except for those sessions pertaining to personnel matters or closed Ethics Commission sessions pertaining to the Public Advocate.
- Establish programs and initiatives to assist underserved communities in gaining access to government.

Under the proposed Charter Amendment, the Public Advocate would be required to refer any allegation or complaint that may constitute a violation of criminal law or a governmental ethics law to the District Attorney. Additionally, when conducting an inquiry, the Public Advocate would be required to provide a draft report of the findings to the City official or agency involved in the inquiry and include any comments by the City official or agency in the final public report. Under the proposed Charter Amendment, the Public Advocate could hold public hearings in the course of fulfilling the obligations of the office of the Public Advocate and would be required to present to the Board of Supervisors prior to October 31 of each year a report on the activities of the office of the Public Advocate during the preceding fiscal year.

BOARD OF SUPERVISORS
BUDGET ANALYST

The Public Advocate would administer the Department of Neighborhood Empowerment, established by the subject Charter Amendment, and would appoint a general manager subject to Board of Supervisors confirmation. The role of the Department of Neighborhood Empowerment would be to promote citizen participation in government and to make government more responsive to local needs. The Department would be responsible for preparing and implementing a plan to establish a system of neighborhood councils, including arranging a Congress of Neighborhoods meetings, and assisting neighborhood councils with selecting and training of officers and with sharing of resources.

In developing a plan for establishing neighborhood councils, the Department would be required to seek public input, develop a statement of goals, policies and objectives for the Neighborhood Council system, and develop regulations to implement the Neighborhood Council plan. The regulations would establish the method for determining neighborhood boundaries to create the Neighborhood Councils, ensure that all sections of the City have equal opportunity to create a Neighborhood Council, establish procedures for recognizing Neighborhood Councils, and require that Neighborhood Councils adopt fair and open procedures for the conduct of their business. The proposed Charter Amendment also provides that the regulations would establish procedures for receiving input from Neighborhood Councils prior to decisions by the Board of Supervisors and other City Commissions, including notifying the Neighborhood Councils of decisions before the Board of Supervisors and other City Commissions and giving Neighborhood Councils a reasonable opportunity to provide input into such decisions (see Comment 1).

Under the proposed Charter Amendment, no later than 120 days after the Public Advocate assumes office, the Board of Supervisors would be required to establish the Department of Neighborhood Empowerment and approve appointment of the General Manager. The Mayor and the Board of Supervisors would be required to appropriate funds for the Department of Neighborhood Empowerment and the start-up of the Neighborhood Councils for the first

two years after the effective date of the proposed Amendment.

The proposed Charter Amendment would establish a Board of Neighborhood Commissioners, composed of seven commissioners. The Mayor would appoint three commissioners, the Board of Supervisors would appoint three commissioners, and the Public Advocate would appoint one commissioner. The Board of Neighborhood Commissioners would be responsible for policy setting and oversight, including the approval of contracts and leases and the promulgation of rules and regulations. However, the Board of Neighborhood Commissioners would not be responsible for day-to-day management of the Department of Neighborhood Empowerment. Additionally, the Board of Neighborhood Commissioners would be responsible for evaluating the provisions of the proposed Charter Amendment, regulations adopted pursuant to the proposed Charter Amendment, and the efficacy of the system of Neighborhood Councils, no later than seven years after the adoption of the proposed Charter Amendment. The Board of Neighborhood Commissioners would make recommendations to the Board of Supervisors regarding proposed changes to the subject Charter Amendment or to the regulations as the Board of Neighborhood Commissioners deems appropriate.

Within one year of the establishment of the Department of Neighborhood Empowerment and the Board of Neighborhood Commissioners, the Department of Neighborhood Empowerment would be required to complete the plan and necessary regulations for setting up the system of Neighborhood Councils and present the plan and regulations to the Board of Supervisors. The Board of Supervisors would be required to adopt ordinances implementing the regulations, either as proposed or as modified by the Board of Supervisors, within six months of presentation by the Department of Neighborhood Empowerment. If the Board of Supervisors fails to adopt such ordinances, then the regulations as proposed by the Department of Neighborhood Empowerment would become effective.

Under the proposed Charter Amendment, each Neighborhood Council seeking official recognition from the City must submit an organization plan and by-laws to the Department of Neighborhood Empowerment showing (a) the method by which their officers are chosen, (b) the system through which the Neighborhood Council will communicate with stakeholders on a regular basis, and (c) a system for financial accountability of its funds. The proposed Charter Amendment also requires that the Neighborhood Council membership be open to everyone living, working or owning property in the neighborhood, be representative of the diverse interests within the neighborhood, and that the Neighborhood Council meetings be open and public, permitting stakeholders to participate in the decision-making process.

Under the proposed Charter Amendment, the Board of Supervisors may delegate its authority to Neighborhood Councils to hold public hearings prior to the Board of Supervisors making decisions on matters of local concern, subject to applicable law. Additionally, each Neighborhood Council would be able to present to the Mayor and the Board of Supervisors an annual list of priorities for the City budget. The Mayor would be required to inform the Neighborhood Councils of the deadline for submission so that the input may be considered in a timely fashion. Also, under the proposed Charter Amendment, the Neighborhood Councils would monitor the delivery of City services and meet periodically with representatives of City Departments regarding the Department's services, subject to the Department's representatives reasonable availability.

Under the proposed Charter Amendment, the Board of Supervisors would be able to adopt ordinances concerning the Neighborhood Councils, consistent with the plan developed by the Department of Neighborhood Empowerment. Such ordinances would supercede any inconsistent regulations that have become effective pursuant to the proposed Charter Amendment.

Comments:


1. As noted above, the proposed Charter Amendment establishes a seven-member Board of Neighborhood Commissioners. Although the proposed Charter

Amendment does not specify compensation for the members of the Board of Neighborhood Commissioners, the Budget Analyst notes that the FY 2001-2002 Annual Salary Ordinance provides a stipend of \$50 per member per meeting for up to two meetings per month for members of eleven existing City Commissions and \$50 per member per meeting for up to four meetings per month for members of the Board of Appeals and the City Planning Commission.

2. As noted in the Attachment, provided by the Controller's Office, the Controller estimates that the cost of the Public Advocate's salary and funds to operate a Board of Neighborhood Commissioners to be a minimum of approximately \$296,000 annually. Additionally, the Controller's Office advises that the new proposed Department of Neighborhood Empowerment would have a General Manager and would require support and professional staff to carry out the functions of receiving and acting on citizen complaints and administering the formation and functioning of neighborhood councils. The Controller's Office has not made a specific cost estimate of the proposed Department of Neighborhood Empowerment.

Recommendation:

Approval of the proposed Charter Amendment is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc: Supervisor Hall
Supervisor Dufty
President Gonzalez
Clerk of the Board
Controller
Ben Rosenfield
Ted Lakey



Attachment

Edward Harrington
ControllerMatthew H. Hymel
Chief Assistant Controller

October 24, 2001

Ms. Gloria L. Young, Clerk of the Board
Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

RE: File Number 011654
Proposed Charter Amendment to create an elected Office of the Public Advocate, establish the Department of Neighborhood Empowerment, and to provide for neighborhood councils

Dear Ms. Young:

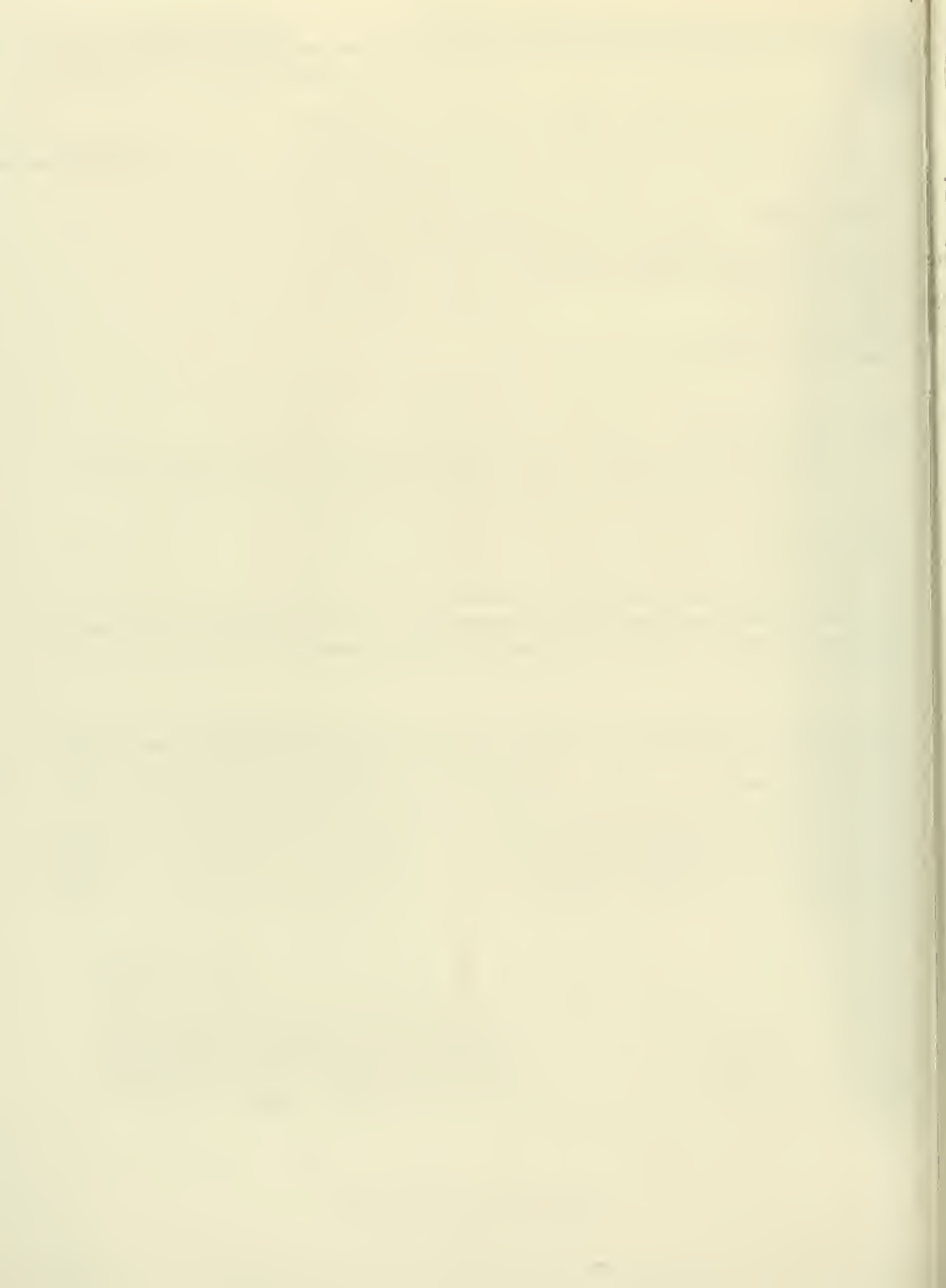
Should the proposed charter amendment be approved by the voters, in my opinion, there would be an increase in the cost of government associated with establishing the new Public Advocate and Department of Neighborhood Services. The new department would include, at minimum, the Public Advocate's salary and funds to operate a Commission, at an approximate cost of \$296,000.

The new department would have a General Manager, and would also require support and professional staff to carry out the functions of receiving and acting on citizen complaints, and administering the formation and functioning of neighborhood councils. The operating cost of the department would vary greatly depending on how these functions are carried out. For comparative purposes, the Public Advocate's Office for the City of New York, which has some but not all of the functions specified under the proposed amendment, has an operating budget of approximately \$2.2 million and a staff of approximately 35 full time employees to serve a population approximately eight times the size of San Francisco. A more specific cost estimate can be developed when further information is available on the proposed configuration of the new department.

Sincerely,

Edward M. Harrington
Controller

Note: This analysis reflects our understanding of the proposal as of the date shown. At times further information is provided to us which may result in revisions being made to this analysis before the final Controller's statement appears in the Voter Information Pamphlet.





City and County of San Francisco

Meeting Minutes Rules Committee

Members: Tony Hall, Bevan Dufty and Matt Gonzalez

Clerk: Deborah Muccino

City Hall
1 Dr. Carlton B.
Goodlett Place
San Francisco, CA
94102-4689

Monday, June 23, 2003

9:00 AM

City Hall, Room 262

Special Meeting

Members Present: Tony Hall, Bevan Dufty, Matt Gonzalez.

MEETING CONVENED

DOCUMENTS DEPT.

The meeting convened at 9:10 am.

JUN 24 2003

SAN FRANCISCO
PUBLIC LIBRARY

030866 [Charter Amendment - Establishing an Elected Rent Board]

Supervisor Daly

Charter amendment (First Draft) to add a new Article VIA to establish an elected San Francisco Residential Rent Stabilization and Arbitration Board that would replace the existing appointed Rent Board.

5/13/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/12/2003.

Heard in committee. Speakers: Bill Barnes, aide to Supervisor Daly; William Kunzig; Andrew Long; John Fabris; Peter Holden; Denise Dianne; Delbert Scott; Bruce Livingston; Ted Guilickson; Bob Coleman; Female Speaker.

6/23/03 Amendment of the whole bearing same title.

Continued to June 30, 2003.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

Charter amendment (Second Draft) to add a new Article VIA to establish an elected San Francisco Residential Rent Stabilization and Arbitration Board that would replace the existing appointed Rent Board.

CONTINUED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030865 [Charter Amendment -Transferring the Police Department's functions, assets and operations to the Sheriff]

Supervisor Daly

Charter amendment (Second Draft) to amend Section 6.105 and providing for the repeal of Section 4.109, to transfer the Police Department's functions, assets and operations to the Sheriff.

5/13/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/12/2003.

5/20/03, SUBSTITUTED. Supervisor Daly submitted a substitute Charter amendment bearing new title.

5/20/03, ASSIGNED UNDER 30 DAY RULE

Heard in committee. Speakers: Bill Barnes, aide to Supervisor Daly; Heather Fong, SF Police Department; Mariamne DeSouza, Sheriff Department; Tom Owen, Deputy City Attorney; Richard Robinson; Ted Lakey; Deputy City Attorney.

6/23/03 Amendment of the whole bearing same title.

Continued to June 30, 2003.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

Charter amendment (Third Draft) to amend Section 6.105 and providing for the repeal of Section 4.109, to transfer the Police Department's functions, assets and operations to the Sheriff.

CONTINUED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

**030812 [Charter Amendment - Designating the Controller as City Services Auditor]
Supervisor McGoldrick**

Charter amendment (Third Draft) to amend Section 3.105 and to add Appendix F to designate the Controller as the City Services Auditor, establish duties for that function, and set aside 0.2 percent of the City's annual budget for a Controller's Audit Fund.

(Fiscal impact.)

5/20/03, SUBSTITUTED. Supervisor McGoldrick submitted a substitute Charter amendment bearing new title.

5/20/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/19/2003.

6/3/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/6/2003.

6/3/03, SUBSTITUTED. Supervisor McGoldrick submitted a substitute Charter Amendment (Third Draft) bearing new title.

6/3/03, ASSIGNED to Rules Committee.

Heard in committee. Speakers: Supervisor Peskin; Tom Owen, Deputy City Attorney; Ginny Vida, Ethics Commission; Bob Planthold, Ethics Commission; Ed Harrington, Controller; Ted Lakey, Deputy City Attorney.

Continued to June 30, 2003.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

Charter amendment (Fourth Draft) to amend Section 3.105 and to add Appendix F to designate the Controller as the City Services Auditor, establish duties for that function, and set aside two-tenths of one percent of the City's annual budget for a Controller's Audit Fund.

(Fiscal impact.)

CONTINUED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

011654 [Public Advocate; Department of Neighborhood Empowerment]**Supervisor Daly**

Charter amendment (Second Draft) to amend Section 6.100 and adding Section 6.108 and 16.121 to create the Public Advocate, establish the Department of Neighborhood Empowerment and create neighborhood councils.

(fiscal impact)

9/17/01, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/17/2001.

10/25/01, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Richard Ow; Bill Barnes, aide to Supervisor Daly; Debra Newman, Budget Analysts Office; Peg Stevenson, Controllers Office.

10/25/01, DIVIDED.

10/25/01, CONTINUED. Divided to create File No. 011957 and 011958.

Continued to November 1, 2001.

11/1/01, CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Supervisor Chris Daly; Richard Ow; Ron Miguel; Elmo Wedderburn; John Bardis.

1/28/02, TRANSFERRED to Rules and Audits Committee. Transferred pursuant to new committee structure.

2/5/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

Heard in committee. Speakers: Bill Barnes, aide to Supervisor Daly; Marilyn Yee; Ginny Vida. Ethics Commission; Bob Planthold, Ethics Commission; Ted Lakey, Deputy City Attorney.

Continued to June 30, 2003.

CONTINUED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

SPECIAL ORDER 2:00 PM

030848 [General Assistance-In-kind Assistance]**Supervisors Newsom, Dufty, Sandoval, McGoldrick, Peskin**

Ordinance modifying the City's General Assistance (GA) Program by amending San Francisco Administrative Code Sec. 20.57 to reflect the current grant amount; amending Administrative Code Sec. 20.59.3 to provide in-kind housing, utilities and meals to homeless applicants and recipients; amending Administrative Code Sec. 20.57.1 to value housing, utilities and meals provided to homeless recipients as in-kind assistance; adding Administrative Code Sec. 20.57.6A. to provide a special needs allowance to homeless recipients; adding Administrative Code Sec. 20.60.12 to establish a baseline GA budget; adding Administrative Code Sec. 20.60.13 to require a Controller's evaluation; adding Administrative Code Sec. 20.60.14 to establish an operative date for these amendments of on or before July 1, 2003.

5/13/03, RECEIVED AND ASSIGNED to Rules Committee.

6/16/03, CONTINUED. Heard in Committee. Speakers: Harvey Rose, Budget Analyst's Office; Deborah Newman, Budget Analyst's Office; Cathy Garza, Legislative Aide to Supervisor Newsom; Christine Martin, Budget Analyst's Office; Supervisor Chris Daly; Trent Rohrer, Executive Director, Department of Human Services; Dariush Kayhan, Director of Housing and Homeless Programs, Department of Human Services; Supervisor Gavin Newsom; Jennifer Friedenbach, Coalition on Homelessness; Chad Smarten, Coalition on Homelessness; Tony Grin, Coalition on Homelessness; Sam Sinh, SRO Operator.

Continued to June 23, 2003, 2:00 p.m.

Heard in committee. Speakers: Edward Evan; Ronald Rich; Jennifer Friedenbach; Brian Cahill; Delbert Scott; David Villalobos; Yolanda Warren; Adam Koeppel; Aaron Keyak; Michael McMahan; Amos Brown; Glenda Hope; Taliana Costanian; Garth Ferguson; Micah Allen-Conway; Bruce Allison; O.J. Leonardo; Yolanda Catzalco; Linda Richardson; Carl Kramer; Paul Lubin; Michael Froelich; John McKutchin; Earl Gilman; Ron Rucker; Don Langley; Steven Chester; Judy Langley; Jason Henson; John Getzo; Ellis Wilson; Antoinette Silver; Tony Grey; Richard Morehead; Tommy Mecca; Brenda Ryan; Eduardo Palomo; Renee Sauceedo; Diannonco Salia; Bianca Henry; Julio; Ricardo Aguella; Joe Pocora; Miguel Carrera; Kim Balleas; Judy Gerkowitz; Allison Lum; Andre Topegan; Ernestine Weiss; Nathan Nayman; Steve Williams; Warren Lopresto; Bob Starzell; Female Speaker; Jolena Lockley; Mark Stoner; Joseph Bolden; Gustavo Serina; Jason Negron Gonzalez; Lafayette Ricks; Carolyn Devine; Linda Corso; Diana Scott; Stephane Softwick; John Bergman; Andre Rucker; Antonio Lion; Julie Browne; John Hutar; Arnald Townsend; Donald Mark; Linden Bader; Michael Africa; David Leedy; Marissa Franco; Diarwend Philpott; Luther Richert; Patricia Breslin; Shelly Roder; Pat Burns; Joe Halaiko; John Moylan; Bob Paterson; Lynn Shaingei; Tom McDonagh; Paul Boden; Lotus Yee Fong; Jack Hanna; Lucia Paulazzo; Lily Subias; Ace Tafoya; Mother Brown; Hans Buehlmann; Eric Shanabarger; David Parker; Robert Tait; Eric Allen; Stan Edwards; Cato; John Luce; Steve Anthony; Starr Davies; Al Lopez; Abdullah Meghaed; Raymond Hall; James Tracey; Ave Selsani; Randall Kalal; Lori Regis; Marti Borrego; James Collins; David Lopez; Ginger Martin; John Bitterman; Frank Kelly; Chris Bowman; Susanna Gilbertson; Bill Bowen; Cathleen Gonzales; Amalia Alvarez; Gordon Reynolds; Linda Chapinan; Leslie Tras; Rachel McLean; Steve Auten; Lance Gurrie; David Grace; Matthew Zibilich; John Kesinski; Rennon; Hilary Tinner; Delphine Brody.

Recessed to June 24, 2003 at 10:00 am.

MEETING RECESSED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030871 [General Assistance - In-Kind Assistance]**Supervisors Daly, Ma, Maxwell**

Ordinance amending Administrative Code sections 20.57, 20.59.3, and 20.57.1; adding Administrative Code sections 20.57.6A., 20.60.12, Sec. 20.60.13, and 20.60.14.

5/13/03, RECEIVED AND ASSIGNED to Rules Committee.

6/16/03, CONTINUED. Heard in Committee. Speakers: Supervisor Chris Daly; Harvey Rose, Budget Analyst's Office; Deborah Newman, Budget Analyst's Office; Christine Martin, Budget Analyst's Office; Trent Rohrer, Executive Director, Department of Human Services; Dariush Kayhan, Director of Housing and Homeless Programs, Department of Human Services; Jennifer Friedenbach, Coalition on Homelessness; Chad Smarten, Coalition on Homelessness; Tony Grin, Coalition on Homelessness; Sam Sinh, SRO Operator.

Continued to June 23, 2003, 2:00 p.m.

Heard in committee. Speakers: Edward Evan; Ronald Rich; Jennifer Friedenbach; Brian Cahill; Delbert Scott; David Villalobos; Yolanda Warren; Adam Koepfel; Aaron Keyak; Michael McMahan; Amos Brown; Glenda Hope; Taliana Costanian; Garth Ferguson; Micah Allen-Conway; Bruce Allison; O.J. Leonardo; Yolanda Catzalco; Linda Richardson; Carl Kramer; Paul Lubin; Michael Froelich; John McKutchin; Earl Gilman; Ron Rucker; Don Langley; Steven Chester; Judy Langley; Jason Henson; John Getzo; Ellis Wilson; Antoinette Silver; Tony Grey; Richard Morehead; Tommy Mecca; Brenda Ryan; Eduardo Palomo; Renee Saucedo; Diannonco Salia; Bianca Henry; Julio; Ricardo Aguella; Joe Pocora; Miguel Carrera; Kim Balleas; Judy Gerkowitz; Allison Lum; Andre Topegan; Ernestine Weiss; Nathan Nayman; Steve Williams; Warren Lopresto; Bob Starzell; Female Speaker; Jolena Lockley; Mark Stoner; Joseph Bolden; Gustavo Serina; Jason Negron Gonzalez; Lafayette Ricks; Carolyn Devine; Linda Corso; Diana Scott; Stephane Softwick; John Bergman; Andre Rucker; Antonio Lion; Julie Browne; John Hutar; Arnald Townsend; Donald Mark; Linden Bader; Michael Africa; David Leedy; Marissa Franco; Diarwend Philpott; Luther Richert; Patricia Breslin; Shelly Roder; Pat Burns; Joe Halaiko; John Moylan; Bob Paterson; Lynn Shaingei; Tom McDonagh; Paul Boden; Lotus Yee Fong; Jack Hanna; Lucia Paulazzo; Lily Subias; Ace Tafoya; Mother Brown; Hans Buehlmann; Eric Shanabarger; David Parker; Robert Tait; Eric Allen; Stan Edwards; Cato; John Luce; Steve Anthony; Starr Davies; Al Lopez; Abdullah Meghaed; Raymond Hall; James Tracey; Ave Seltsam; Randall Kalal; Lori Regis; Marti Borrego; James Collins; David Lopez; Ginger Martin; John Bitterman; Frank Kelly; Chris Bowman; Susanna Gilbertson; Bill Bowen; Cathleen Gonzales; Amalia Alvarez; Gordon Reynolds; Linda Chapman; Leslie Tras; Rachel McLean; Steve Auten; Lance Gurrie; David Grace; Matthew Zibilich; John Kesinski; Rennon; Hilary Timer; Delphine Brody.

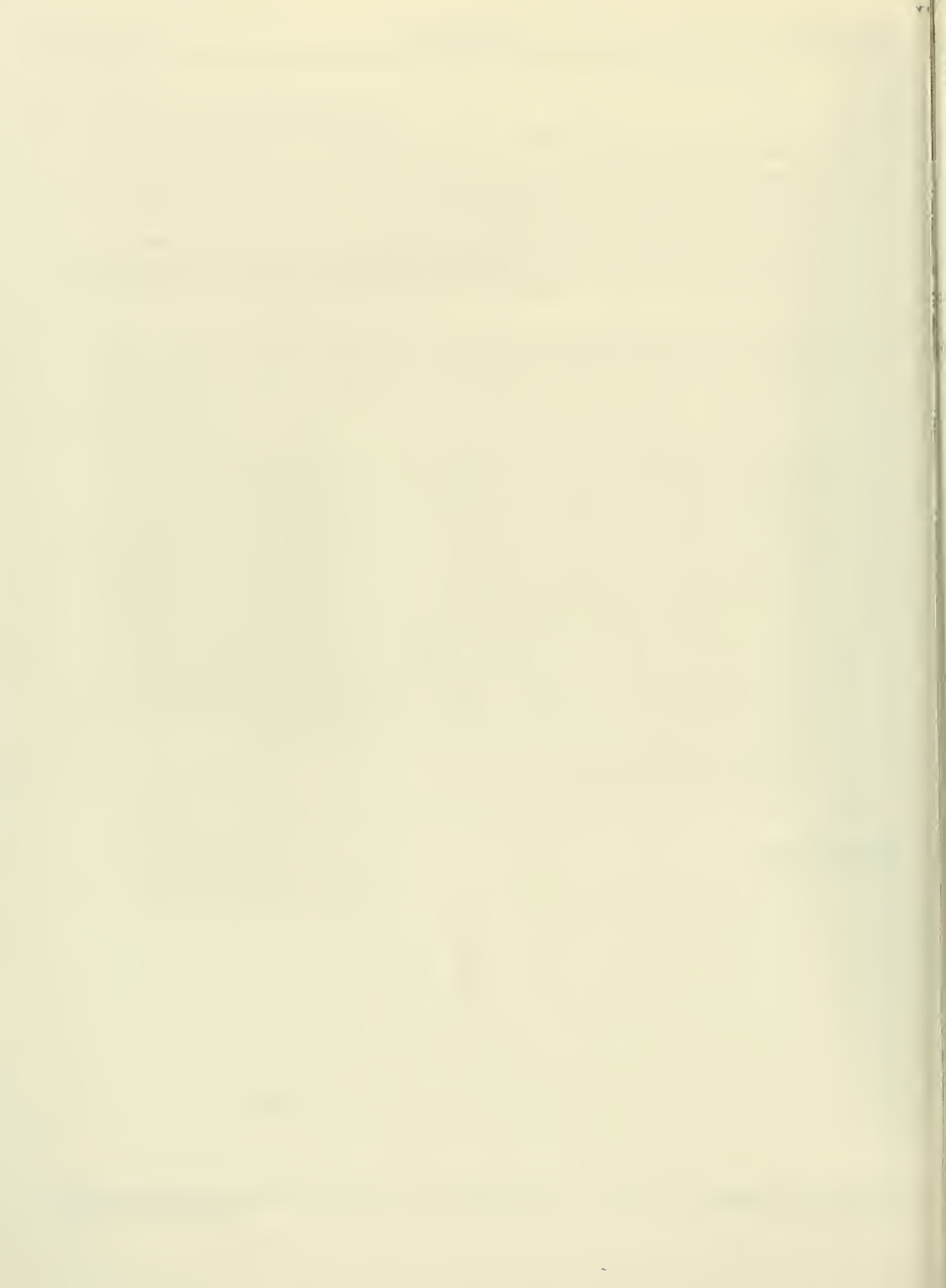
Recessed to June 24, 2003 at 10:00 am.

MEETING RECESSED by the following vote:

Ayes: 3 - Hall, Duffy, Gonzalez

ADJOURNMENT

The meeting recessed until 10:00 a.m. on June 24, 2003.





City and County of San Francisco

Meeting Minutes

Rules Committee

Members: Tony Hall, Bevan Dufty and Matt Gonzalez

City Hall
1 Dr. Carlton B.
Goodlett Place
San Francisco, CA
94102-4689

Clerk: Deborah Muccino

Tuesday, June 24, 2003

10:00 AM

City Hall, Room 263

Recessed Meeting

Members Present: Tony Hall, Bevan Dufty, Matt Gonzalez.

MEETING CONVENED

The meeting convened at 10:10 a.m.

DOCUMENTS DEPT.

JUN 25 2003

SAN FRANCISCO
PUBLIC LIBRARY

030848 [General Assistance-In-kind Assistance]

Supervisors Newsom, Dufty, Sandoval, McGoldrick, Peskin

Ordinance modifying the City's General Assistance (GA) Program by amending San Francisco Administrative Code Sec. 20.57 to reflect the current grant amount; amending Administrative Code Sec. 20.59.3 to provide in-kind housing, utilities and meals to homeless applicants and recipients; amending Administrative Code Sec. 20.57.1 to value housing, utilities and meals provided to homeless recipients as in-kind assistance; adding Administrative Code Sec. 20.57.6A. to provide a special needs allowance to homeless recipients; adding Administrative Code Sec. 20.60.12 to establish a baseline GA budget; adding Administrative Code Sec. 20.60.13 to require a Controller's evaluation; adding Administrative Code Sec. 20.60.14 to establish an operative date for these amendments of on or before July 1, 2003.

5/13/03, RECEIVED AND ASSIGNED to Rules Committee.

6/16/03. CONTINUED. Heard in Committee. Speakers: Harvey Rose, Budget Analyst's Office; Deborah Newman, Budget Analyst's Office; Cathy Garza, Legislative Aide to Supervisor Newsom; Christine Martin, Budget Analyst's Office; Supervisor Chris Daly; Trent Rohrer, Executive Director, Department of Human Services; Dariush Kayhan, Director of Housing and Homeless Programs, Department of Human Services; Supervisor Gavin Newsom; Jennifer Friedenbach, Coalition on Homelessness; Chad Smarten, Coalition on Homelessness; Tony Grin, Coalition on Homelessness; Sam Sinh, SRO Operator.

Continued to June 23, 2003, 2:00 p.m.

6/23/03. MEETING RECESSED. Heard in committee. Speakers: Edward Evan; Ronald Rich; Jennifer Friedenbach; Brian Cahill; Delbert Scott; David Villalobos; Yolanda Warren; Adam Koepfel; Aaron Keyak; Michael McMahan; Amos Brown; Glenda Hope; Taliana Costanian; Garth Ferguson; Micah Allen-Conway; Bruce Allison; O.J. Leonardo; Yolanda Catzaco; Linda Richardson; Carl Kramer. Paul Lubin; Michael Froelich; John McKutchin; Earl Gilman; Ron Rucker; Don Langley; Steven Chester; Judy Langley; Jason Henson; John Getzo; Ellis Wilson; Antoinette Silver; Tony Grey; Richard Morthead; Tommy Mecca; Brenda Ryan; Eduardo Palomo; Renee Saucedo; Diannnonco Salia; Bianca Henry; Julio; Ricardo Aguillo; Joe Pocora; Miguel Carrera; Kim Balleadas; Judy Gerkowitz; Allison Lum; Andre Topegan; Ernestine Weiss; Nathan Nayman; Steve Williams; Warren Lopresto; Bob Starzelli; Female Speaker; Jolena Lockley; Mark Stoner; Joseph Bolden; Gustavo Scrina; Jason Negrón Gonzalez; Lafayette Ricks; Carolyn Devine; Linda Corso; Diana Scott; Stephane Softwick; John Bergman; Andre Rucker; Antonio Lion; Julie Browne; John Hutar; Arnald Townsend; Donald Mark; Linden Bader; Michael Africa; David Leedy; Marissa Franco; Diarwend Philpott; Luther Richert. Patricia Breslin; Shelly Roder; Pat Burns; Joe Halaiko; John Moylan; Bob Paterson; Lynn Shaingei; Tom McDonagh; Paul Boden. Lotus Yee Fong; Jack Hanna; Lucia Paulazzo; Lily Subias; Ace Tafoya; Mother Brown; Hans Buehlmann; Eric Shanabarger; David Parker; Robert Tait; Eric Allen; Stan Edwards; Cato; John Luce; Steve Anthony; Starr Davies; Al Lopez; Abdullah Meghaed; Raymond Hall; James Tracey; Ave Seltam; Randall Kalal; Lori Regis; Marti Borrego; James Collins; David Lopez; Ginger Martin. John Bitterman; Frank Kelly; Chris Bowman; Susanna Gilbertson; Bill Bowen; Cathleen Gonzales; Amalia Alvarez; Gordon Reynolds; Linda Chapman; Leslie Tras; Rachel McLean; Steve Auten; Lance Gurrie; David Grace; Matthew Ziblich; John Kesinski; Rennon; Hilary Timer. Delphine Brody.

Recessed to June 24, 2003 at 10:00 am

Heard in committee. Speakers: Supervisor Newsom; Supervisor Dufty.

REFERRED WITHOUT RECOMMENDATION by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030871 [General Assistance - In-Kind Assistance]**Supervisors Daly, Ma, Maxwell**

Ordinance amending Administrative Code sections 20.57, 20.59.3, and 20.57.1; adding Administrative Code sections 20.57.6A., 20.60.12, Sec. 20.60.13, and 20.60.14.

5/13/03, RECEIVED AND ASSIGNED to Rules Committee.

6/16/03, CONTINUED. Heard in Committee. Speakers: Supervisor Chris Daly; Harvey Rose, Budget Analyst's Office; Deborah Newman, Budget Analyst's Office; Christine Martin, Budget Analyst's Office; Trent Rohrer, Executive Director, Department of Human Services; Dariush Kayhan, Director of Housing and Homeless Programs, Department of Human Services; Jennifer Friedenbach, Coalition on Homelessness; Chad Smarten, Coalition on Homelessness; Tony Grin, Coalition on Homelessness; Sam Sinh, SRO Operator.

Continued to June 23, 2003, 2:00 p.m.

6/23/03, MEETING RECESSED. Heard in committee. Speakers: Edward Evan; Ronald Rich; Jennifer Friedenbach; Brian Cahill; Delbert Scott; David Villalobos; Yolanda Warren; Adam Koepfel; Aaron Keyak; Michael McMahan; Amos Brown; Glenda Hope; Taliana Costanian; Garth Ferguson; Micah Allen-Conway; Bruce Allison; O.J. Leonardo; Yolanda Catzalco; Linda Richardson; Carl Kramer; Paul Lubin; Michael Froelich; John McKutchin; Earl Gilman; Ron Rucker; Don Langley; Steven Chester; Judy Langley; Jason Henson; John Getzo; Ellis Wilson; Antoinette Silver; Tony Grey; Richard Morehead; Tommy Mecca; Brenda Ryan; Eduardo Palomo; Renee Saucedo; Diannonco Salia; Bianca Henry; Julio; Ricardo Aguella; Joe Pocora; Miguel Carrera; Kim Balleas; Judy Gerkowitz; Allison Lum; Andre Topegan; Ernestine Weiss; Nathan Nayman; Steve Williams; Warren Lopresto; Bob Starzell; Female Speaker; Jolena Lockley; Mark Stoner; Joseph Bolden; Gustavo Serina; Jason Negron Gonzalez; Lafayette Ricks; Carolyn Devine; Linda Corso; Diana Scott; Stephane Softwick; John Bergman; Andre Rucker; Antonio Lion; Julie Browne; John Hutar; Arnald Townsend; Donald Mark; Linden Bader; Michael Africa; David Leedy; Marissa Franco; Diarwend Philpott; Luther Richert; Patricia Breslin; Shelly Roder; Pat Burns; Joe Halaiko; John Moylan; Bob Paterson; Lynn Shaingei; Tom McDonagh; Paul Boden; Lotus Yee Fong; Jack Hanna; Lucia Paulazzo; Lily Subias; Ace Tafoya; Mother Brown; Hans Buehlmann; Eric Shanabarger; David Parker; Robert Tait; Eric Allen; Stan Edwards; Cato; John Luce; Steve Anthony; Starr Davies; Al Lopez; Abdullah Meghaed; Raymond Hall; James Tracey; Ave Seltam; Randall Kalal; Lori Regis; Marti Borrego; James Collins; David Lopez; Ginger Martin; John Bitterman; Frank Kelly; Chris Bowman; Susanna Gilbertson; Bill Bowen; Cathleen Gonzales; Amalia Alvarez; Gordon Reynolds; Linda Chapman; Leslie Tras; Rachel McLean; Steve Auten; Lance Gurrie; David Grace; Matthew Zibilich; John Kesinski; Rennon; Hilary Timer; Delphine Brody.

Recessed to June 24, 2003 at 10:00 am.

Heard in committee. Speakers: Supervisor Newson; Supervisor Daly.

REFERRED WITHOUT RECOMMENDATION by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

ADJOURNMENT

The meeting adjourned at 11:02 a.m.

70.84
3
125/03
CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

June 19, 2003

DOCUMENTS DEPT

TO: Rules Committee

JUN 24 2003

FROM: Budget Analyst

SUBJECT: June 25, 2003 Rules Committee Meeting

SAN FRANCISCO
PUBLIC LIBRARY

Item 2 - File 03-0855

Note: This item was continued by the Rules Committee at its meeting of June 18, 2003.

Proposed Charter Amendment:

Charter Amendment adding Sections A8.401 and A8.522 to provide early retirement benefits to eligible employees.

Draft: First

Charter Sections Affected:

Sections A8.401 and A8.522.

Description:

Under the existing Charter Section A8.509, miscellaneous City employees who are 50 years of age and have 20 years of service in the San Francisco Employees' Retirement System (SFERS), or City employees who are 60 years of age and have 10 years of service in the SFERS, are eligible to retire and receive retirement compensation. Such employees receive retirement compensation based on the retirement compensation formula shown in the Attachment. An employee who is 50 years of age would receive compensation equal to one percent for each year of service, times the annual compensation for the year in which the employee received the highest compensation. Under the existing Charter, the

retirement compensation formula increases by one-quarter of one-tenth of one percent (0.00025) every three months, resulting in retirement compensation for a miscellaneous City employee who is 60 years of age, equal to two percent for each year of service, as shown in the Attachment, times the annual compensation for the year in which the employee received the highest compensation.

The proposed Charter Amendment would add new Charter Sections, Sections A8.401 and A8.522, to provide "early retirement benefits", or an early retirement incentive, to eligible employees in classifications identified for layoffs.

Section A8.401 would provide that, except for members of the Police and Fire Departments, "early retirement benefits" be made available to all miscellaneous SFERS members, identified by the Director of the Department Human Resources (DHR) as eligible during FY 2003-2004 and FY 2004-2005. Eligible employees would consist of 1) employees separated from City employment between July 1, 2003 and June 30, 2005 due to layoffs from Identified Classifications¹, 2) active employees currently in Identified Classifications for layoffs, or 3) active employees laid off from Identified Classifications but have been placed in other positions within the City. According to Ms. Linda Ross at the City Attorney's Office, in order to limit the number of employees eligible for "early retirement benefits", the number of employees selected by the Director of DHR for "early retirement benefits" cannot exceed the number of employees separated from City employment due to layoff. According to Ms. Ross, amendments to the proposed Charter Amendment regarding the selection of eligible employees are pending.

Section A8.522 would provide for "early retirement benefits", which would be an increase in the eligible employee's age by three years and credited years of

¹ Identified Classifications are the classifications of positions that have been or will be eliminated or reduced during the fiscal year due to lay off, or the termination of City services or functions.

service by three years, thereby providing an incentive to targeted employees to retire early. For example, under the existing Charter provision, an eligible employee who is 50 years of age with 20 years of service in SFERS, whose highest level of compensation in a given year is \$80,000, would receive annual retirement compensation equal to 1.0 percent (based on 50 years of age) times 20 years times \$80,000, or 20 percent of \$80,000, which equals \$16,000 per year under the existing Charter. Under the proposed Charter Amendment, the eligible employee would instead receive annual retirement compensation equal to 1.3 percent (based on 53 years of age, as shown in the Attachment) times 23 years times \$80,000, or 29.9 percent of \$80,000, which equals \$23,920 per year.

Additionally, under the existing Charter Amendment an eligible employee who is 47 years of age with 17 years of service in SFERS, whose highest level of compensation in a given year is \$80,000, would not be eligible for retirement benefits under the existing Charter. Under the proposed Charter Amendment the eligible employee would instead receive annual retirement compensation equal to 1.0 percent times 20 years (17 years plus 3 years) times \$80,000, or 20 percent of \$80,000, which equals \$16,000 per year.

The proposed Charter Amendment would provide the "early retirement benefits" upon completion by the Board of Supervisors of the FY 2003-2004 budget, and would sunset on July 1, 2005. However, the proposed Charter Amendment would allow the Board of Supervisors to extend the term of the proposed Charter Amendment an additional two years until June 30, 2007, by a nine-vote majority.

Fiscal Impact:

According to Ms. Clare Murphy of the Retirement System, the estimated increased cost to the City resulting from the proposed Charter Amendment cannot currently be quantified due to the 1) approximately four year duration of the proposed early retirement incentive and 2) unknown numbers of laid off employees. According to Ms. Murphy, further information as to the potential fiscal impact to the

Memo to Rules Committee
June 25, 2003 Rules Committee Meeting

City of the proposed "early retirement benefits" on the current SFERS participants will be presented to the Rules Committee when such data becomes available.

Comment:

According to Ms. Ross, backfilling of positions made vacant as a result of the early retirement incentive would be prevented by the proposed Charter Amendment through the Charter provision which states, "The number of employees who receive early retirement benefits in each Identified Classification shall not exceed the number of employees separated from city service due to layoffs in the Identified Classification."

Recommendation:

Approval of the proposed Charter Amendment is a policy matter for the Board of Supervisors.

Age at Retirement	Percent for Each Year of Credited Service
50	1.0000
50 1/4	1.0250
50 1/2	1.0500
50 3/4	1.0750
51	1.1000
51 1/4	1.1250
51 1/2	1.1500
51 3/4	1.1750
52	1.2000
52 1/4	1.2250
52 1/2	1.2500
52 3/4	1.2750
53	1.3000
53 1/4	1.3250
53 1/2	1.3500
53 3/4	1.3750
54	1.4000
54 1/4	1.4250
54 1/2	1.4500
54 3/4	1.4750
55	1.5000
55 1/4	1.5250
55 1/2	1.5500
55 3/4	1.5750
56	1.6000
56 1/4	1.6250
56 1/2	1.6500
56 3/4	1.6750
57	1.7000
57 1/4	1.7250
57 1/2	1.7500
57 3/4	1.7750
58	1.8000
58 1/4	1.8250
58 1/2	1.8500
58 3/4	1.8750
59	1.9000
59 1/4	1.9250
59 1/2	1.9500
59 3/4	1.9750
60	2.000*

Item 3 - File 03-0857

Note: This item was continued by the Rules Committee at its meeting of June 18, 2003.

Department: Retirement

Proposed Charter Amendment: Charter Amendment (Second Draft) adding Section A8.583 to provide for a change in the retirement compensation for attorneys in the District Attorney's Office and the Public Defender's Office and for Public Defender's Investigators.

Draft: Second

Charter Sections Affected: Section A8.583

Description: Currently, attorneys in the District Attorney's Office and Public Defender's Office and Public Defender's Investigators receive the same level of compensation upon retirement provided to miscellaneous City employees who are members of the San Francisco Employee Retirement System (SFERS), under Charter Sections A8.509 and A8.587. The proposed Charter Amendment would increase the level of retirement benefits for attorneys in the District Attorney's Office and Public Defender's Office and Public Defender's Investigator as discussed below.

- Under the existing Charter Sections A8.509 and A8.587, miscellaneous City employees who are members of SFERS, including attorneys in the District Attorney's Office and Public Defender's Office and Public Defender's Investigators, who are 50 years of age and have 20 years of service in SFERS, are eligible to retire. Such employees receive retirement compensation, equal to one percent for each year of service, times the annual compensation for the year in which the employee received the highest compensation.
- Under the proposed Charter Amendment, attorneys in the District Attorney's Office and Public Defender's Office and Public Defender's Investigators, would receive increased retirement compensation. The

proposed Charter Amendment provides that an employee in the subject classifications who is 50 years of age with at least five years of service in SFERS, compared to 20 years of service under the existing Charter provision, would be eligible for retirement. An eligible employee who is 50 years of age with at least five years of service in SFERS would receive retirement compensation equal to 2.4 percent for each year of service, compared to one percent under the existing Charter provision, times the annual compensation for the year in which the employee received the highest compensation.

Therefore, under the existing Charter provision, a miscellaneous City employee who is 50 years of age with 20 years of service in SFERS, and whose highest level of compensation in a given year is \$80,000, receives annual retirement compensation equal to one percent times 20 years times \$80,000, or 20 percent of \$80,000, which equals \$16,000 per year. Under the proposed Charter Amendment, an eligible employee who is 50 years of age with 20 years of service in SFERS¹, and whose highest level of compensation in a given year is \$80,000, would receive annual retirement compensation equal to 2.4 percent times 20 years times \$80,000, or 48 percent of \$80,000, which equals \$38,400 per year, which is \$22,400 or 140 percent more than the \$16,000 in annual retirement compensation which such employee would receive under the current compensation formula.

- Also, under the existing Charter Sections A8.509 and A8.587, the retirement compensation formula increases by one-quarter of one-tenth of one percent (0.00025) every three months, resulting in retirement compensation for a miscellaneous City employee who is 60 years of age with at least 10 years of service, equal to two percent for each year of service times the

¹ For purposes of comparison, this report estimates retirement benefits under the proposed Charter Amendment for an employee who is 50 years of age with 20 years of service. However, the proposed Charter Amendment provides eligibility for retirement benefits for an employee who is 50 years of age with 5 years of service. Therefore, an eligible employee who is 50 years of age with 5 years of service and whose highest level of compensation in a given fiscal year is \$80,000, would receive annual retirement compensation equal to 2.4 percent times 5 years times \$80,000, or 12 percent of \$80,000, which equals \$9,600 per year.

annual compensation for the year in which the employee received the highest compensation.

- Under the proposed Charter Amendment, the retirement compensation formula increases by three-tenths of one-tenth of one percent (0.00030) every three months, resulting in retirement compensation for an eligible employee who is 55 years of age, equal to three percent for each year of service times the annual compensation for the year in which the employee received the highest compensation.

Therefore, under the existing Charter provision, a miscellaneous City employee who is 55 years of age with 20 years of service in SFERS, and whose highest level of compensation in a given year is \$80,000, receives annual retirement compensation equal to 1.5 percent² times 20 years times \$80,000, or 30 percent of \$80,000, which equals \$24,000 per year. Under the proposed Charter Amendment, an eligible employee who is at least 55 years of age with 20 years of service in SFERS, and whose highest level of compensation in a given year is \$80,000, would receive annual retirement compensation equal to three percent times 20 years times \$80,000, or 60 percent of \$80,000, which equals \$48,000 per year, which is \$24,000 or 100 percent more than under the existing Charter provision.

In addition to the provisions noted above, the proposed Charter Amendment would increase the cap on retirement compensation from the current cap of 75 percent of the highest level of compensation in a given year to 90 percent of the highest level of compensation in a given year.

Fiscal Impact:

Ms. Clare Murphy, Executive Director of the Employees Retirement System, stated that she will provide an actuarial cost estimate to the Rules Committee at the June 25, 2003 Rules Committee meeting.

² Under the existing Charter provision, the retirement benefit calculation formula increases every three months, as noted above, and equals 1.5 percent times years of service times highest annual income at age 55 and 2.0 percent times years of services times highest annual income at age 60. For purposes of comparison, this report calculates retirement benefits for employees at age 55 under the existing Charter provision and the proposed Charter Amendment.

Comments:

1. According to Ms. Murphy, the proposed Charter Amendment includes a provision which states that, if in any year, the employer contribution rate exceeds zero percent, the City and employee organizations representing Charter Section A8.583 members, will engage in a cost sharing collective bargaining negotiation. Ms. Murphy advises that the proposed provision would allow the covered employees to contribute, in addition to the current 7.5 percent of covered payroll, up to 2.5 percent of covered payroll, for a maximum of 10 percent of covered payroll, to offset employer costs.

2. The proposed Charter Amendment contains a provision, which requires the City to take all steps necessary to insure that attorneys in the District Attorney's Office and the Public Defender's Office, and Public Defender's Investigators are considered police officers for purposes of the Federal Social Security Act, which would allow such employees to withdraw from the Social Security System. According to Ms. Murphy, if the subject classifications are allowed to withdraw from the Social Security System, the City would achieve annual savings equal to approximately 6.2 percent of social security covered salaries for the subject classifications. However, Ms. Murphy advises that the possibility of considering the subject classifications as police officers for purposes of the Federal Social Security Act is uncertain due to changes in Federal Social Security procedures.

Recommendation:

Approval of the proposed Charter Amendment is a policy matter for the Board of Supervisors.

Item 4 - File 02-0938

Note: This item was continued by the Rules Committee at its meeting of June 18, 2003.

Proposed Ballot

Measure: Charter Amendment amending Appendix A8.506-2 relating to retirement benefits for miscellaneous safety employees.

Draft: Seventh

Sections Affected: Appendix A8.506-2.

Description: The proposed Charter Amendment, if approved by the voters, would allow the Board of Supervisors and the Community College Board to approve contracts with the Board of Administration of the Public Employees' Retirement System of the State of California providing for the membership of miscellaneous safety employees¹ in the California Public Employees' Retirement System (PERS).

The proposed Charter Amendment would remove the existing Charter language which states that, "The power to contract (with the PERS Board of Administration) created herein shall be limited to a contract with no net increase in cost to the City and County or the Community College District". The Board of Supervisors amended this language to state that "Contracts and contract amendments shall be cost-neutral and employee bargaining units shall be permitted to trade salary or other employee-paid benefits to achieve cost-neutrality. The Board of Supervisors or the Community College District is empowered to determine compliance under this Section."

According to Mr. Jay Huish of San Francisco Employees' Retirement System (SFERS), under provisions of the proposed Charter Amendment, any increase in retirement costs to the City and County or Community College

¹ "Miscellaneous safety employees" are defined as probation officers, airport police officers, district attorney and public defender investigators, coroner investigators, juvenile court counselors, institutional police, fire safety inspectors and fire protection engineers who are not members of the retirement plan for uniformed Fire Department personnel.

District are to be negotiated to "cost neutrality" through the collective bargaining process. Mr. Dan Maguire of the City Attorney's Office states that "cost neutrality" would be achieved if there is no net increased cost to the City and County or Community College District.

Comments:

1. Currently, the Board of Supervisors and the Community College Board may contract with the PERS Board of Administration to provide miscellaneous safety employees retirement benefits through PERS rather than through the San Francisco Employees' Retirement System (SFERS) only if the PERS contract is of equal or lower cost than the existing contract provisions provided to that group of employees. The proposed Charter Amendment would enable the Board of Supervisors and the Community College Board to enter into contracts or contract amendments with the PERS Board of Administration making miscellaneous safety employees members of PERS even if such membership results in increased retirement costs to the City and County or Community College District. However, as previously noted, Mr. Huish states that under the proposed Charter Amendment, such increased costs are to be negotiated to cost neutrality through the collective bargaining process.

2. As stated by Ms. Clare Murphy of SFERS in her attached memorandum, "This proposed charter amendment does not in and of itself impact the cost of the San Francisco City and County or Community College contracts with the California Public Employees' Retirement System for retirement benefits for miscellaneous safety employees. The changed language will allow future contracts or contract amendments, which will result in an increase over the cost of current contract provisions." However, the proposed Charter Amendment requires contracts and contract amendments to be cost-neutral to the City and County or Community College District. Ms. Murphy has advised the Budget Analyst that if the proposed Charter Amendment is approved, the Board of Supervisors and the Community College Board would have the authority to approve contracts which (a) include miscellaneous safety employees who are not currently members of PERS, or (b)

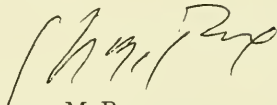
change benefits for miscellaneous safety employees who are currently members of PERS.

3. Currently, according to Ms. Murphy, coroner investigators, public defender investigators, fire safety inspectors and fire protection engineers are the only miscellaneous safety employees that are not members of PERS. Ms. Murphy estimates that there are fewer than 1,000 City and Community College District employees currently in PERS, and Ms Murphy estimates that the proposed Charter Amendment would make no more than 100 additional City and Community College District employees eligible for PERS. According to Ms. Murphy, if the voters approve the proposed Charter Amendment granting authority to the Board of Supervisors and the Community College Board to enter into new contracts or amend existing contracts with the Board of Administration of the Public Employees' Retirement System (PERS) of the State of California for miscellaneous safety employees, any new or amended contracts would most likely increase the level of benefits of the affected employees, resulting in increased retirement costs to the City and to the Community College District. However, the proposed Charter Amendment requires contracts and contract amendments to be cost-neutral to the City and County or Community College District.

4. The proposed Charter Amendment would also substitute "medical examiner investigators" for "coroner investigators", as miscellaneous safety employees under the contract for retirement benefits with the California Public Employees' Retirement System. According to Ms. Murphy, medical examiner investigator is an updated title for coroner investigator. According to Ms. Murphy, medical examiner investigator performs the same duties as coroner investigator.

Memo to Rules Committee
June 25, 2003 Rules Committee Meeting

Recommendation: Approval of the proposed Charter Amendment is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc: Supervisor Hall
Supervisor Dufty
President Gonzalez
Clerk of the Board
Controller
Ben Rosenfield
Ted Lakey

City and County of San Francisco

San Francisco City and County
Employees' Retirement System
Office of The Executive Director

June 17, 2003

Ms. Gloria L. Young
Clerk of the Board
Board of Supervisors
Room 244, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

RE: File Number 020938
Charter Amendment regarding Retirement Benefits for
Miscellaneous Safety Employees (Sixth Draft)

Dear Ms. Young,

The revisions presented in the sixth draft of this proposed Charter Amendment change the actuarial cost and effect report as required under charter section A8.500.

Effect

The latest draft removes the language of the original provision adopted by the voters in 1985 which restricted the Board of Supervisors authority to contract with Cal PERS to those contracts having no net increase in cost to the city and county or the community college district. The removal of the limitation on contracting authority allows the Board of Supervisors or the Community college board to execute contracts without restrictions.

The added language states that "*Contracts and contract amendments shall be cost-neutral and employee bargaining units shall be permitted to trade salary or other employer-paid benefits to achieve cost neutrality*". The effect of this change is to place cost control after the grant of vested enhanced benefits has been made and within the collective bargaining process.

Cost

The proposed charter amendment does not in and of itself impact the cost of San Francisco City and County or Community College contracts with the California Public Employees' Retirement System for retirement benefits for miscellaneous safety employees. The changed language will allow future contracts or contract amendments, which will result in an increase over the cost of current contract provisions.

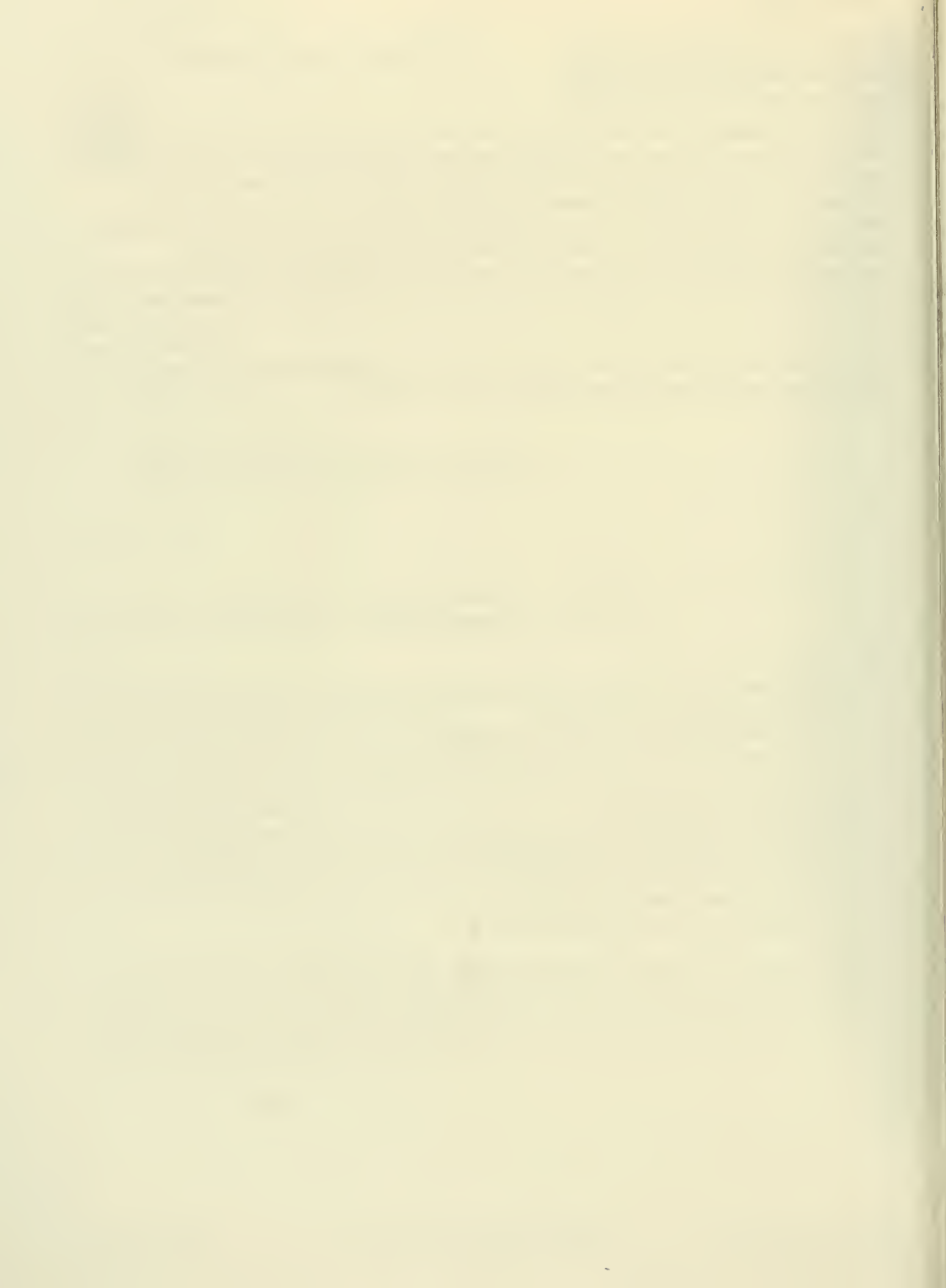
The added language provides that such increased cost will be made "cost-neutral" through salary reductions, salary increase deferrals or employer-paid benefit reductions negotiated within the collective bargaining process. It should be noted that cost analysis of pension benefit increases are complicated and in the case of Cal PERS contracts, the sub-components of cost attributable to specific benefit increases are generally not available. Further the impact of benefit increases on the employer contribution rates is combined with other factors including demographic experience and investment performance on a delayed basis. Maintaining "cost-neutrality" given collective bargaining cycles and valuation cycles may prove challenging.

Representatives of the San Francisco Employees' Retirement System will attend the June 18, 2003 Rules Committee and will be available to answer questions.

Very truly yours,

Clare M. Murphy
Executive Director

cc: Mayor Willie L. Brown
Supervisor Matt Gonzalez, President, Board of Supervisors
Mr. Dennis Herrera, City Attorney
Supervisor Tony Hall, Chair, Rules Committee
Supervisor Bevan Dufty, Vice Chair, Rules Committee
Supervisor Tom Ammiano
Controller Ed Harrington
Harvey Rose, Budget Analyst
Leanne Nhan, Office of the Budget Analyst
Severin Campbell, Office of the Budget Analyst
Peg Stevenson, Controller's Office
Deborah Muccino, Clerk, Rules Committee





City and County of San Francisco

Meeting Minutes

Rules Committee

Members: Tony Hall, Bevan Dufty and Matt Gonzalez

Clerk: Deborah Muccino

City Hall
1 Dr. Carlton B.
Goodlett Place
San Francisco, CA
94102-4689

Wednesday, June 25, 2003

9:30 AM

City Hall, Room 263

Regular Meeting

Members Present: Tony Hall, Bevan Dufty, Matt Gonzalez.

MEETING CONVENED

The meeting convened at 9:38 a.m.

DOCUMENTS DEPT

JUN 27 2003

SAN FRANCISCO
PUBLIC LIBRARY

030258

[Appointment]

Hearing to consider appointing three members to the Ballot Simplification Committee.

3 Seats Being Considered

Vacant seat, succeeding John Odell, term expired, seat 1, must represent the National Academy of Television Arts and Sciences. Northern California Chapter or the Northern California Broadcasters Association for a two year term ending November 30, 2004.

Vacant seat, succeeding Betty Packard, term expired, seat 2, must represent the National Academy of Television Arts and Sciences. Northern California Chapter or the Northern California Broadcasters Association for a two year term ending November 30, 2004.

Vacant seat, succeeding Allyson Washburn, term expired, seat 3, must represent League of Women Voters for a two year term ending November 30, 2004.

2/11/03, RECEIVED AND ASSIGNED to Rules and Audits Committee.

2/11/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03

Heard in committee. Speakers: Betty Packard; Ed Harrington. Appointment of Betty Packard, seat 2, recommended. Seats 1 and 2 unfilled.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Betty Packard, term ending November 30, 2004 to the Ballot Simplification Committee.

Betty Packard, succeeding herself, term expired, seat 2, must represent the National Academy of Television Arts and Sciences. Northern California Chapter or the Northern California Broadcasters Association for a two year term ending November 30, 2004.

RECOMMENDED.. by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 1 - Gonzalez

030855 [Charter Amendment - Early retirement benefits to employees in classifications identified for layoffs due to the City's fiscal crisis]

Mayor

Charter amendment (First Draft) to add Sections A8.401 and A8.522 to provide early retirement benefits to eligible employees. (Mayor)

5/13/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/12/2003.

6/18/03, CONTINUED. Heard in committee. Speakers: None. Continued to June 25, 2003.

Heard in committee. Speakers: Steve Kawa, Mayor's Office; Michele Modena.

6/25/03 Amendment of the whole bearing same title.

Continued to July 2, 2003.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

Charter amendment (Second Draft) to add Sections A8.401 and A8.522 to provide early retirement benefits to eligible employees. (Mayor)

CONTINUED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030857 [Charter Amendment - Retirement Benefits for District Attorneys, Public Defenders and Public Defender Investigators]

Supervisor Gonzalez

Charter amendment (Second Draft) to add Appendix A8.583 relating to retirement benefits for attorneys in the District Attorney's and Public Defender's offices and Public Defender Investigators.

6/18/03 Amendment of the whole bearing same title.

5/13/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/12/2003.

6/18/03, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in committee. Speakers: John Dwyer, Dan Maguire, Deputy City Attorney.

6/18/03 Amendment of the whole bearing same title. Continued to June 25, 2003.

6/18/03, CONTINUED AS AMENDED.

Heard in committee. Speakers: None.

Continued to July 2, 2003.

CONTINUED by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Dufty

020938 [Charter Amendment - Retirement Benefits for Miscellaneous Safety Employees]**Supervisors Ammiano, Gonzalez, Newsom**

Charter Amendment (Seventh Draft) to amend Appendix A8.506-2 thereto, relating to retirement benefits for miscellaneous safety employees.

6/18/03 Amendment of the whole bearing same title.

5/28/02, ASSIGNED UNDER 30 DAY RULE to Rules and Audits Committee, expires on 6/27/2002.

7/5/02, CONTINUED. Heard in committee. Speakers: Supervisor Ammiano; Ed Harrington, Controller; Claire Murphy, SF Employee's Retirement System; Rich Marino; Sharon Brest; Armando Garcia; Allan Pringle.

Supervisor Gonzalez requested to be added as a co-sponsor.

Continued to July 10, 2002.

7/10/02, REFERRED WITHOUT RECOMMENDATION. Heard in committee. Speakers: Rich Perino; Sharon Brest.

7/15/02, CONTINUED. Continued to July 22, 2002.

7/22/02, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

7/22/02, RE-REFERRED to Rules and Audits Committee.

10/21/02, SUBSTITUTED. Supervisor Ammiano submitted a substitute Charter amendment bearing same title.

10/21/02, ASSIGNED to Rules and Audits Committee.

1/13/03, SUBSTITUTED. Supervisor Ammiano submitted a substitute Charter Amendment (Fourth Draft) bearing same title.

1/13/03, ASSIGNED to Rules and Audits Committee.

2/5/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

3/18/03, SUBSTITUTED. Supervisor Ammiano submitted a substitute Charter Amendment (Fifth Draft) bearing same title.

3/18/03, ASSIGNED to Rules Committee. Sponsor requests this item be scheduled for consideration at the April 16, 2003 meeting.

4/16/03, RECOMMENDED. Heard in Committee. Speakers: Supervisor Tom Ammiano; Ted Lakey, Deputy City Attorney, City Attorney's Office; Rich Perino, San Francisco Deputy Sheriff's Association.

4/29/03, CONTINUED. Continued to May 6, 2003.

5/6/03, CONTINUED. Continued to May 20, 2003.

Supervisor Newsom requested to be added as a co-sponsor.

5/20/03, CONTINUED. Continued to June 10, 2003.

6/10/03, AMENDED. Amended on page 1, after "of such contract" by adding New Paragraph "Contracts and contract amendments shall be cost-neutral and employee bargaining units shall be permitted to trade salary or other employee-paid benefits to achieve cost-neutrality. The Board of Supervisors or the Community College District is empowered to determine compliance under this section."

6/10/03, RE-REFERRED to Rules Committee.

6/18/03, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in committee. Speakers: Sharon Brest, Probation Officers Association; Supervisor Ammiano; Ted Lakey, Deputy City Attorney; Clare Murphy, Executive Director, Retirement System.

6/18/03 Amendment of the whole bearing same title. Continued to June 25, 2003.

6/18/03, CONTINUED AS AMENDED.

Heard in committee. Speakers: Rich Perino; Ted Lakey, Deputy City Attorney.

RECOMMENDED by the following vote:

Ayes: 3 - Hall, Duffy, Gonzalez

**030632 [Ballot Measures Submitted by the Board of Supervisors, Four or More of its Members, or the Mayor]
Supervisors Newsom, Peskin**

Charter amendment (Second Draft) to amend 2.113 and 3.100 to provide that any proposed ordinance, bond measure, or declaration of policy submitted to the Director of Elections by the Board of Supervisors, by four or more of its members, or by the Mayor, must be submitted to the Board of Supervisors no later than 45 days before the deadline for submission of the measure to the Director of Elections, and to require that the Board of Supervisors hold a hearing on the proposed ordinance, bond measure, or declaration of policy and on any amendment thereto no later than 30 days before the deadline for submission of the measure to the Board of Directors, provided that failure of the Board of Supervisors to hold a hearing on a measure submitted by less than the full Board of Supervisors or by the Mayor shall not preclude submission of the measure to the voters.

4/15/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 5/15/2003.

5/13/03, SUBSTITUTED. Supervisor Newsom submitted a substitute Charter amendment bearing new title.

5/13/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/12/2003.

6/11/03, CONTINUED. Heard in committee. Speakers: Mike Farrah, Aide to Supervisor Newsom; Jim Andrew, Spur; Ted Lakey, Deputy City Attorney; Sylvia Johnson.

Continued to the June 18, 2003 meeting.

6/18/03, CONTINUED. Heard in committee. Speakers: Supervisor Newsom; Jim Chappell, President, SPUR; Ted Lakey, Deputy City Attorney.

Continued to June 25, 2003.

Heard in committee. Speakers: Mike Farrah, Aide to Supervisor Newsom; Ted Lakey, Deputy City Attorney.

6/25/03 Amendment of the whole bearing new title.

Continued to July 2, 2003.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

Charter amendment (Third Draft) to amend 2.113 and 3.100 to provide that any proposed ordinance or declaration of policy submitted to the Director of Elections by the Board of Supervisors, by four or more of its members, or by the Mayor, must be submitted to the Board of Supervisors no later than 45 days before the deadline for submission of the measure to the Director of Elections, and to require that the Board of Supervisors hold a hearing on the proposed ordinance or declaration of policy and on any amendment thereto no later than 30 days before the deadline for submission of the measure to the Director of Elections, provided that failure of the Board of Supervisors to hold a hearing on a measure submitted by less than the full Board of Supervisors or by the Mayor shall not preclude submission of the measure to the voters.

CONTINUED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

**031101 [Adding Rule 1.10 to the Rules of Order]
Supervisor Gonzalez**

Motion adding Rule 1.10 to the Rules of Order of the Board of Supervisors to provide that Supervisors, and the Mayor, are urged to submit to the Board of Supervisors for public hearing all proposed ballot measures that four or more Supervisors, or the Mayor, are planning to submit directly to the voters, including general obligation or revenue bond measures under sections 9.106 and 9.107 of the City Charter.

6/17/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Mike Farrah, Aide to Supervisor Newsom; Ted Lakey, Deputy City Attorney.

6/25/03 Amendment of the whole bearing new title.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

Motion adding Rule 1.10 to the Rules of Order of the Board of Supervisors to provide that Supervisors, and the Mayor, are urged to submit to the Board of Supervisors for public hearing all proposed ballot measures that four or more Supervisors, or the Mayor, are planning to submit directly to the voters, including general obligation or revenue bond measures under sections 9.106 and 9.107 of the City Charter; and urging the circulators of initiative ballot measures to participate in public hearings on their measures at the Board of Supervisors.

RECOMMENDED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

ADJOURNMENT

The meeting adjourned at 10:33 a.m.



Thursda



1

17



City and County of San Francisco

Meeting Agenda

Rules Committee

Members: Tony Hall, Bevan Duffy and Matt Gonzalez

Clerk: Deborah Muccino

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Thursday, June 26, 2003

9:30 AM

City Hall, Room 263

Special Meeting

Note: Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation
- 2) Budget Analyst report
- 3) Legislative Analyst report
- 4) Department or Agency cover letter and/or report
- 5) Public correspondence

These items will be available for review at City Hall, Room 244, Reception Desk.

DOCUMENTS DEPT.

JUN 20 2003

SAN FRANCISCO
PUBLIC LIBRARY

Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding City representatives, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance.

AGENDA CHANGES

REGULAR AGENDA

1. 030859 [Charter Amendment - Police Commission; Office of Citizen Complaints; Police Misconduct]
Supervisors Ammiano, McGoldrick
Charter amendment (Second Draft) to amend the Charter of the City and County by amending Sections 4.109, 4.127, A8.343 and A8.344, governing the appointment and removal of Police Commissions, the terms of the commissioners, authorizing the director of the OCC to file disciplinary charges, and other disciplinary provisions.
5/13/03. ASSIGNED UNDER 30 DAY RULE to Rules Committee. expires on 6/12/2003.
6/19/03. AMENDED. AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in committee. Speakers: Supervisor Ammiano; Dorji Roberts. Deputy City Attorney: Ted Lakey. Deputy City Attorney: Alex Fagan. Acting Chief of Police: Kevin Allen. Director of Office of Citizens Complaints: Francisco DaCosta; David Parker; John Trasvina; Gerard Koskovich; Susie McAllister; Mesha Irizarry; Art Tapia; Martha Bridegam; Kevyn Lutton; Deborah Glenn-Rogers; Kevy Brannelly; Malaika Parker; Michael Molina; Mark Schlossberg; Manuel Aparigo; N'Tonya Lee; Mark Saloman; Winchell Hayward; Willie Radcliff.
6/19/03 Amendment of the whole bearing new title
Continued to June 26, 2003.
6/19/03. CONTINUED.

2. **030681** **[Charter Amendment-Ethics provisions to move various provisions into ordinances, to enact new provisions, to make technical changes, and to clarify ambiguities in existing provisions.]**
Supervisor Ammiano
Charter amendment (Third Draft) to amend Sections 4.108, 4.109, 15.100, 15.103, 15.105, 16.118 and Article XVII, deleting Sections 15.104, 15.106, 15.108, C8.105 and adding Section 18.115 and Appendix Sections C9.101, C9.102, C9.103, C9.104, C9.105, C9.106, C9.107, C9.108, C9.109, C9.110, C9.111, C9.112, C9.113, C9.114, C9.115, C9.116, C9.117, C9.118, C9.119, C9.120, C9.121, C9.122, C9.123, C9.124, C9.125, C9.126 and C9.127 to enact new conflict of interest provisions, to make technical changes, to move various provisions into ordinances, and to clarify existing provisions.
- 4/22/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 5/22/2003.
5/13/03, SUBSTITUTED. Supervisor Ammiano submitted a substitute bearing new title.
5/13/03, ASSIGNED UNDER 30 DAY RULE.
6/19/03, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in committee. Speakers: Ginny Vida, Ethics Commission; Nancy Chin; Winchell Hayward; Ted Lakey, Deputy City Attorney.
6/19/03 Amendment of the whole bearing new title.
6/19/03, DIVIDED. File 030681 was amended (into a third draft) then divided. This amendment was then continued to June 26, 2003. The divided portion was created anew as File 031147 (as a first draft).
6/19/03, CONTINUED AS DIVIDED.
3. **031147** **[Charter Amendment-Ethics provisions to move various provisions into ordinances, to enact new provisions, to make technical changes, and to clarify ambiguities in existing provisions.]**
Charter amendment (First draft-previously second draft of File 030681) to amend Sections 4.108, 4.109, 10.101, 15.100, 15.103, 15.105, 16.118 and Article XVII, deleting Sections 15.104, 15.106, 15.108, C8.105 and adding Sections 18.115, C9.101, C9.102, C9.103, C9.104, C9.105, C9.106, C9.107, C9.108, C9.109, C9.110, C9.111, C9.112, C9.113, C9.114, C9.115, C9.116, C9.117, C9.118, C9.119, C9.120, C9.121, C9.122, C9.123, C9.124, C9.125 and C9.126 to enact new conflict of interest provisions, to make technical changes, to move various provisions into ordinances, and to clarify existing provisions.
- 6/19/03, CONTINUED. Divided from file 030681 and continued to June 26, 2003.
6/19/03, RECEIVED AND ASSIGNED to Rules Committee.
4. **030853** **[Charter Amendment - Board of Supervisors Proceedings]**
Supervisor Gonzalez
Charter amendment (Second Draft) to amend Sections 2.103, 2.104, and Article XVII, to modify the provisions governing the proceedings of the Board of Supervisors by tolling deadlines for action by the Board when the Board is in recess, by reducing the number of votes required at the Board of Supervisors for various actions when one or more Board members are disqualified from voting on a matter because of a conflict of interest, and by limiting hold-over appointments to 30 days.
- 5/13/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/12/2003.
6/19/03, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in committee. Speakers: None.
6/19/03 Amendment of the whole bearing new title.
Continued to June 26, 2003.
6/19/03, CONTINUED.

ADJOURNMENT

IMPORTANT INFORMATION

NOTE: Persons unable to attend the meeting may submit to the City, by the time the proceedings begin, written comments regarding the agenda items above. These comments will be made a part of the official public record and shall be brought to the attention of the Board of Supervisors. Any written comments should be sent to: Committee Clerk of the Rules Committee, San Francisco Board of Supervisors, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102 by 5:00 p.m. on the day prior to the hearing. Comments which cannot be delivered to the committee clerk by that time may be taken directly to the hearing at the location above.

LEGISLATION UNDER THE 30-DAY RULE**(Not to be considered at this meeting)**

Rule 5.40 provides that when an ordinance or resolution is introduced which would CREATE OR REVISE MAJOR CITY POLICY, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. The provisions of this rule shall not apply to the routine operations of the departments of the City or when a legal time limit controls the hearing timing. In general, the rule shall not apply to hearings to consider subject matter when no legislation has been presented, nor shall the rule apply to resolutions which simply URGE action to be taken.

There are no items currently pending under the 30 day rule

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board has several standing Committees where ordinances and resolutions are the subject of hearings at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience at a Committee meeting to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers, and similar sound-producing electronic devices; 3) signs to be brought into the meeting or displayed in the room; 4) standing in the meeting room.

Citizens are encouraged to testify at Committee meetings and to write letters to the Clerk of a Committee or to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Agenda are available on the internet at www.sfgov.org/bdsupvrs.bos.htm.

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT CITY HALL, ROOM 244, RECEPTION DESK.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.

Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact Ohn Myint at (415) 554-7704.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

翻譯 必須在會議前最少四十八小時提出要求
請電 (415) 554-7701

Disability Access

Both the Committee Room (Room 263) and the Legislative Chamber are wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

All meetings are real-time captioned and are cablecast open-captioned on SF Cable 26.

The following services are available when requested 48 hours before the Committee meeting. This advance notice will help ensure availability.

- For American Sign Language interpreters or use of a reader during a meeting, contact Ohn Myint at (415) 554-7704.
- For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.
- Assistive listening devices are available from the receptionist in the Clerk of the Board's Office, Room 244, prior to the meeting.
- The Clerk of the Board's Office TTY number is (415) 554-5227.

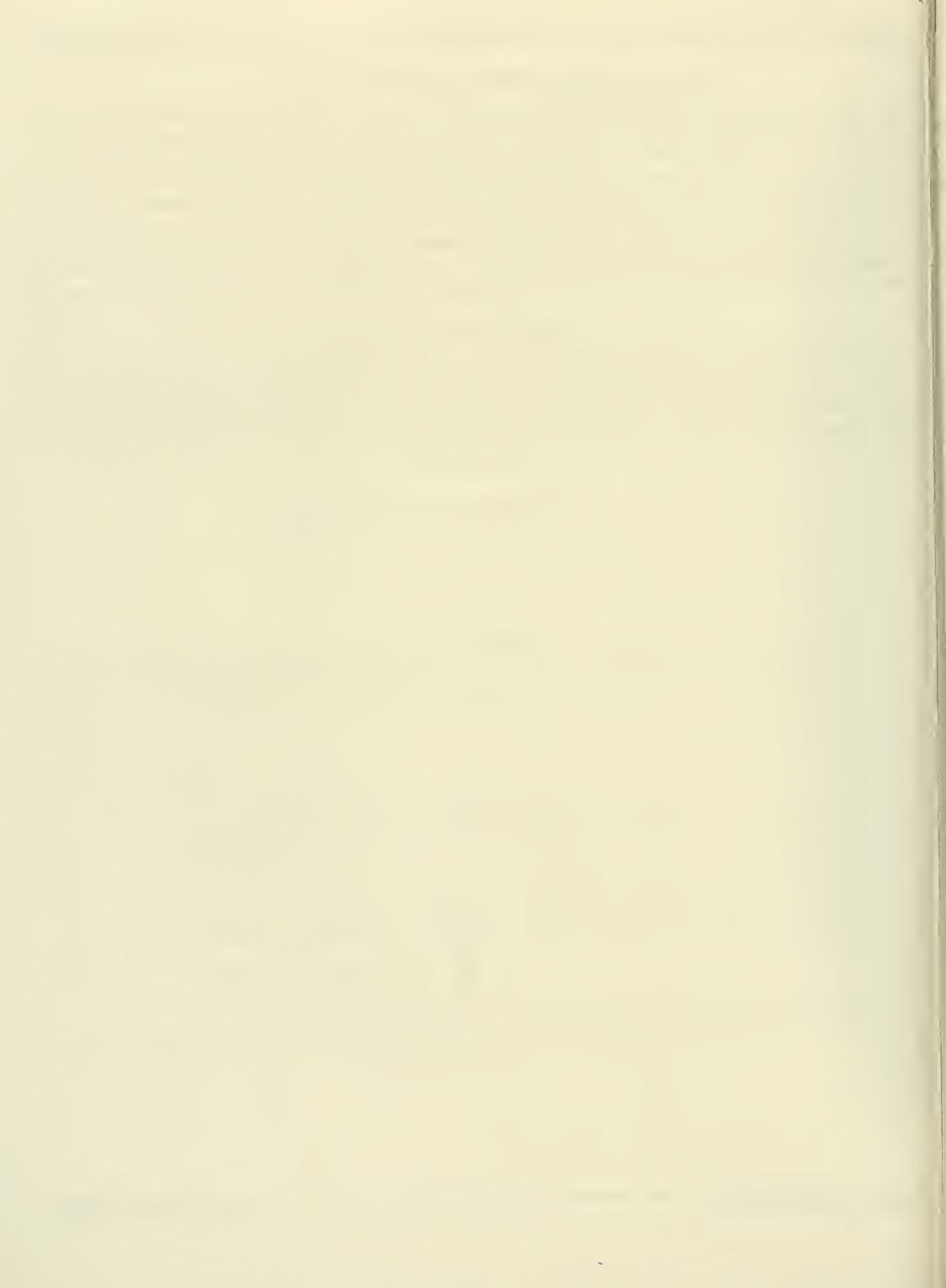
In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The Sunshine Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall; by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102 by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at Donna.Hall@sfgov.org. Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine.htm>

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics



0.84
38/27
CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

June 26, 2003

TO: Rules Committee

DOCUMENTS DEPT.

FROM: Budget Analyst

JUN 30 2003

SUBJECT: June 30, 2003 Special Rules Committee Meeting

SAN FRANCISCO
PUBLIC LIBRARY

Item 3 - File 03-0865

Note: This item was continued by the Rules Committee at its meeting of June 23, 2003.

Department: Sheriff's Department
Police Department

Proposed Charter Amendment: Charter Amendment amending Section 6.105 and providing for the repeal of Section 4.109, to transfer the Police Department's functions, assets, and operations to the Sheriff.

Draft: Third

Charter Sections Affected: Sections 6.105 and 4.109

Description: Currently, the existing Charter provides for an elected Sheriff who a) maintains the County Jail, b) provides security in courtrooms and specified public buildings, and c) executes orders and serves summons and official documents issued by the courts, Board of

Supervisors, or City boards and commissions. The existing Charter also provides for a five-member civilian Police Commission and a Chief of Police that is appointed by the Mayor, and a Police Department, which provides basic law enforcement services.

The proposed Charter amendment, if approved by the voters, would 1) repeal Section 4.109 of the existing Charter, to eliminate the five-member civilian Police Commission appointed by the Mayor, and 2) amend Section 6.105, to grant the Sheriff all of the powers and duties of the Police Commission and the Chief of Police, and transfer the Police Department into the Sheriff's Department. According to Mr. Tom Owen of the City Attorney's Office, the proposed Charter Amendment would eliminate the Chief of Police position.

Under Section 6.105 of the proposed Charter Amendment, on or before January 31, 2004, a seven-member voting committee would be established, three of them would be members of the public appointed by the Mayor, and four of them would be members of the public appointed by the Board of Supervisors; the committee would also include three ex-officio non voting members consisting of the Controller, Chief of Police, Sheriff (or their designees), and the City Attorney as legal counsel, according to Mr. Owen. Under the proposed Charter Amendment, the committee would be established for the purpose of studying the proposed "merger" between the Sheriff's Department and the Police Department, and make recommendations regarding the implementation of such a "merger", resulting in a report which is to be submitted to the Mayor and the Board of Supervisors in time for consideration during the City's FY 2004-2005 budget.

Additionally, under Section 6.105 of the proposed Charter Amendment, on February 1, 2005, the terms of office of the members of the Police Commission would expire immediately; the office of the Chief of Police would be abolished; Section 4.109, which

establishes the Police Commission, would be repealed; the Sheriff would assume all the powers and duties of the Police Commission and the Chief of Police; and the Police Department would be transferred into the Sheriff's Department. The transfer of the Police Department into the Sheriff's Department would include the transfer of all sworn and civilian personnel, facilities, equipment, and funds of the Police Department. The Sheriff would be allowed to appoint one attorney, one under-sheriff, one assistant sheriff, and one confidential secretary.

The proposed Charter Amendment states that the above provisions would only take effect if, by August 1, 2004, the Board of Supervisors finds that the transfer would:

- 1) result in long-term savings to the City, as verified by the Controller or the Budget Analyst;
- 2) preserve the full right of citizens to file complaints with the Office of Citizen Complaints, which would be transferred to the Sheriff's Department; and
- 3) enhance public safety.

Under the proposed Charter Amendment, if the Board of Supervisors makes the three findings above, the City must, prior to implementing the transfer, meet and confer in good faith with labor over impact issues. Further, if by February 1, 2005, initial implementation of the transfer has not occurred, the proposed Charter provisions would not be effective. However, the Board of Supervisors may grant one or more extensions, for any date or deadline under the proposed Charter Amendment, for a period limited to nine months for each extension, according to Mr. Owen.

Comments:

1. The costs of the proposed Charter Amendment would consist of 1) the cost to study the proposed transfer of the Police Department into the Sheriff's Department, and 2) the cost to verify that the transfer

of the Police Department into the Sheriff's Department would result in savings to the City.

2. As noted in the Attachment provided by the Controller's Office, the Controller's Office estimates that there would be a "minimal increase in cost" to the City as a result of the proposed Charter Amendment. According to Ms. Michelle Allersma of the Controller's Office, the cost to verify that the transfer would result in cost savings to the City, would likely be absorbed in the Controller's FY 2003-2004 budget or the Budget Analyst's existing contract.

Recommendation: Approval of the proposed Charter Amendment is a policy matter for the Board of Supervisors.



CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER

Ed Harrington
Controller

Monique Zmuda
Deputy Controller

June 25, 2003

Ms. Gloria Young
Clerk of the Board
Board of Supervisors
City Hall, Room 244
Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

RE: File Number 030865
Charter amendment transferring the Police Department's functions, assets and operations to the Sheriff

Dear Ms. Young:

Should the proposed Charter amendment be adopted by the voters, in my opinion, there would be a minimal increase in the cost of government. The proposed amendment would require the Mayor and Board of Supervisors to appoint a committee to study a merger of the Police and Sheriff's Departments under the command of the Sheriff. Providing the analysis required by this committee could generate some staff and administrative costs.

The amendment specifies that the merger would go forward only if certain findings are made by the Board of Supervisors, including a finding that it would result in long-term savings to the City, as verified by the Controller's Office or by the Budget Analyst. If the merger has not been implemented by February 1, 2005 the amendment would expire, however the Board of Supervisors could, by motion, extend this or other deadlines created in the amendment.

Sincerely,

Edward M. Harrington
Controller

Item 5 - File 01-1654

Note: This item was continued by the Rules Committee at its meeting of June 23, 2003.

**Proposed Charter
Amendment:**

Charter Amendment amending Article VI and adding Section 16.121 to (a) create the Public Advocate, (b) establish the Department of Neighborhood Empowerment, and (c) create neighborhood councils.

Draft: Second

**Charter Sections
Affected:**

Article VI, Sections 6.100, 6.108, and 16.121

Description:

The proposed Charter Amendment would (a) create the Public Advocate, (b) establish the Department of Neighborhood Empowerment, and (c) create neighborhood councils.

Under the proposed Charter Amendment, Article V, Section 6.100 would be amended to add "Public Advocate" to the City and County of San Francisco officers required to be elected. The Public Advocate would be elected to a four-year term, commencing in November of 2003, in the same manner as other elected officials, including the Assessor-Recorder, the City Attorney, the District Attorney, the Public Defender, the Sheriff, and the Treasurer. The role of the Public Advocate would be to:

- Review complaints regarding City services and programs that are recurring, multi-neighborhood, or Citywide, and make recommendations to improve the City's response to such complaints.
- Receive, investigate, and attempt to resolve individual complaints regarding City services and administrative actions of City agencies, except for those which (i) another City agency is required by law to adjudicate, (ii) may be resolved through a grievance mechanism established by collective bargaining agreement or contract, or (iii) involve allegations of conduct which may constitute a violation of criminal law or a governmental ethics law.

- Inquire, on the request of a resident, taxpayer, neighborhood organization, elected official, or by his or her own motion, into any alleged failure by a City officer or agency to comply with any provision of the Charter, except for those matters which involve conduct which may constitute a violation of criminal law or a governmental ethics code. If the Public Advocate concludes that there is any substantial failure to comply with any provision of the Charter, the Public Advocate will submit a preliminary report to the City official or agency involved in the inquiry and submit a final report to the Board of Supervisors, Mayor and City agency documenting the conclusions of the inquiry.
- Serve as a non-voting ex-officio member of City Commissions and committees of the Board of Supervisors, including introducing legislation to improve City programs and services. The Public Advocate may attend closed sessions of the Board of Supervisors and City Commissions, except for those sessions pertaining to personnel matters or closed Ethics Commission sessions pertaining to the Public Advocate.
- Establish programs and initiatives to assist underserved communities in gaining access to government.

Under the proposed Charter Amendment, the Public Advocate would be required to refer any allegation or complaint that may constitute a violation of criminal law or a governmental ethics law to the District Attorney. Additionally, when conducting an inquiry, the Public Advocate would be required to provide a draft report of the findings to the City official or agency involved in the inquiry and include any comments by the City official or agency in the final public report. Under the proposed Charter Amendment, the Public Advocate could hold public hearings in the course of fulfilling the obligations of the office of the Public Advocate and would be required to present to the Board of Supervisors prior to October 31 of each year a report on the activities of the office of the Public Advocate during the preceding fiscal year.

The Public Advocate would administer the Department of Neighborhood Empowerment, established by the subject Charter Amendment, and would appoint a general manager subject to Board of Supervisors confirmation. The role of the Department of Neighborhood Empowerment would be to promote citizen participation in government and to make government more responsive to local needs. The Department would be responsible for preparing and implementing a plan to establish a system of neighborhood councils, including arranging a Congress of Neighborhoods meetings, and assisting neighborhood councils with selecting and training of officers and with sharing of resources.

In developing a plan for establishing neighborhood councils, the Department would be required to seek public input, develop a statement of goals, policies and objectives for the Neighborhood Council system, and develop regulations to implement the Neighborhood Council plan. The regulations would establish the method for determining neighborhood boundaries to create the Neighborhood Councils, ensure that all sections of the City have equal opportunity to create a Neighborhood Council, establish procedures for recognizing Neighborhood Councils, and require that Neighborhood Councils adopt fair and open procedures for the conduct of their business. The proposed Charter Amendment also provides that the regulations would establish procedures for receiving input from Neighborhood Councils prior to decisions by the Board of Supervisors and other City Commissions, including notifying the Neighborhood Councils of decisions before the Board of Supervisors and other City Commissions and giving Neighborhood Councils a reasonable opportunity to provide input into such decisions (see Comment 1).

Under the proposed Charter Amendment, no later than 120 days after the Public Advocate assumes office, the Board of Supervisors would be required to establish the Department of Neighborhood Empowerment and approve appointment of the General Manager. The Mayor and the Board of Supervisors would be required to appropriate funds for the Department of Neighborhood Empowerment and the start-up of the Neighborhood Councils for the first

two years after the effective date of the proposed Amendment.

The proposed Charter Amendment would establish a Board of Neighborhood Commissioners, composed of seven commissioners. The Mayor would appoint three commissioners, the Board of Supervisors would appoint three commissioners, and the Public Advocate would appoint one commissioner. The Board of Neighborhood Commissioners would be responsible for policy setting and oversight, including the approval of contracts and leases and the promulgation of rules and regulations. However, the Board of Neighborhood Commissioners would not be responsible for day-to-day management of the Department of Neighborhood Empowerment. Additionally, the Board of Neighborhood Commissioners would be responsible for evaluating the provisions of the proposed Charter Amendment, regulations adopted pursuant to the proposed Charter Amendment, and the efficacy of the system of Neighborhood Councils, no later than seven years after the adoption of the proposed Charter Amendment. The Board of Neighborhood Commissioners would make recommendations to the Board of Supervisors regarding proposed changes to the subject Charter Amendment or to the regulations as the Board of Neighborhood Commissioners deems appropriate.

Within one year of the establishment of the Department of Neighborhood Empowerment and the Board of Neighborhood Commissioners, the Department of Neighborhood Empowerment would be required to complete the plan and necessary regulations for setting up the system of Neighborhood Councils and present the plan and regulations to the Board of Supervisors. The Board of Supervisors would be required to adopt ordinances implementing the regulations, either as proposed or as modified by the Board of Supervisors, within six months of presentation by the Department of Neighborhood Empowerment. If the Board of Supervisors fails to adopt such ordinances, then the regulations as proposed by the Department of Neighborhood Empowerment would become effective.

Under the proposed Charter Amendment, each Neighborhood Council seeking official recognition from the City must submit an organization plan and by-laws to the Department of Neighborhood Empowerment showing (a) the method by which their officers are chosen, (b) the system through which the Neighborhood Council will communicate with stakeholders on a regular basis, and (c) a system for financial accountability of its funds. The proposed Charter Amendment also requires that the Neighborhood Council membership be open to everyone living, working or owning property in the neighborhood, be representative of the diverse interests within the neighborhood, and that the Neighborhood Council meetings be open and public, permitting stakeholders to participate in the decision-making process.

Under the proposed Charter Amendment, the Board of Supervisors may delegate its authority to Neighborhood Councils to hold public hearings prior to the Board of Supervisors making decisions on matters of local concern, subject to applicable law. Additionally, each Neighborhood Council would be able to present to the Mayor and the Board of Supervisors an annual list of priorities for the City budget. The Mayor would be required to inform the Neighborhood Councils of the deadline for submission so that the input may be considered in a timely fashion. Also, under the proposed Charter Amendment, the Neighborhood Councils would monitor the delivery of City services and meet periodically with representatives of City Departments regarding the Department's services, subject to the Department's representatives reasonable availability.

Under the proposed Charter Amendment, the Board of Supervisors would be able to adopt ordinances concerning the Neighborhood Councils, consistent with the plan developed by the Department of Neighborhood Empowerment. Such ordinances would supercede any inconsistent regulations that have become effective pursuant to the proposed Charter Amendment.

Comments:

1. As noted above, the proposed Charter Amendment establishes a seven-member Board of Neighborhood Commissioners. Although the proposed Charter

Amendment does not specify compensation for the members of the Board of Neighborhood Commissioners, the Budget Analyst notes that the FY 2001-2002 Annual Salary Ordinance provides a stipend of \$50 per member per meeting for up to two meetings per month for members of eleven existing City Commissions and \$50 per member per meeting for up to four meetings per month for members of the Board of Appeals and the City Planning Commission.

2. As noted in the Attachment, provided by the Controller's Office, the Controller estimates that the cost of the Public Advocate's salary and funds to operate a Board of Neighborhood Commissioners to be a minimum of approximately \$296,000 annually. Additionally, the Controller's Office advises that the new proposed Department of Neighborhood Empowerment would have a General Manager and would require support and professional staff to carry out the functions of receiving and acting on citizen complaints and administering the formation and functioning of neighborhood councils. The Controller's Office has not made a specific cost estimate of the proposed Department of Neighborhood Empowerment.

Recommendation: Approval of the proposed Charter Amendment is a policy matter for the Board of Supervisors.



Attachment

Edward Harrington
ControllerMatthew H. Hymel
Chief Assistant Controller

October 24, 2001

Ms. Gloria L. Young, Clerk of the Board
Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

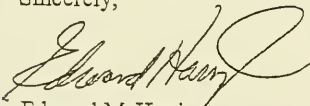
RE: File Number 011654
Proposed Charter Amendment to create an elected Office of the Public Advocate, establish the
Department of Neighborhood Empowerment, and to provide for neighborhood councils

Dear Ms. Young:

Should the proposed charter amendment be approved by the voters, in my opinion, there would be an increase in the cost of government associated with establishing the new Public Advocate and Department of Neighborhood Services. The new department would include, at minimum, the Public Advocate's salary and funds to operate a Commission, at an approximate cost of \$296,000.

The new department would have a General Manager, and would also require support and professional staff to carry out the functions of receiving and acting on citizen complaints, and administering the formation and functioning of neighborhood councils. The operating cost of the department would vary greatly depending on how these functions are carried out. For comparative purposes, the Public Advocate's Office for the City of New York, which has some but not all of the functions specified under the proposed amendment, has an operating budget of approximately \$2.2 million and a staff of approximately 35 full time employees to serve a population approximately eight times the size of San Francisco. A more specific cost estimate can be developed when further information is available on the proposed configuration of the new department.

Sincerely,



Edward M. Harrington
Controller

Note: This analysis reflects our understanding of the proposal as of the date shown. At times further information is provided to us which may result in revisions being made to this analysis before the final Controller's statement appears in the Voter Information Pamphlet.

Item 6 - File 03-0812

Note: This item was continued by the Rules Committee at its meeting of June 23, 2003.

Department: Controller's Office

Proposed Charter Amendment: Charter Amendment amending Section 3.105 and adding Appendix F to designate the Controller as the City Services Auditor, establish duties for that function, and set aside 0.2 percent of the City's annual budget for a Controller's Audit Fund.

Draft: Fourth

Charter Sections Affected: Sections 3.105

Description: Section 3.105 of the current Charter establishes the Controller as the chief fiscal officer of the City and County, with responsibilities that include issuing from time to time such periodic or special financial reports as may be requested by the Mayor or Board of Supervisors. Under the existing Administrative Code, the Controller is required to have a Performance and Efficiency Audit Office established within the Controller's Office to improve the overall efficiency of the City and County.

The proposed Charter Amendment, if approved by the voters, would amend Section 3.105 to designate the Controller, in addition to existing responsibilities, as the City Services Auditor for the City and County, with the responsibility as City Services Auditor of monitoring the level and effectiveness of services rendered by the City to its residents, effective on July 1, 2004. The proposed Charter Amendment would also add Appendix F (Sections F1.100 through F1.114) to the existing Charter to establish the powers and duties for the City Services Auditor, and to set aside 0.2 percent of the City's annual budget, apportioned by fund, for a Controller's Audit Fund.

BOARD OF SUPERVISORS
BUDGET ANALYST

Under Appendix F of the proposed Charter Amendment, the Controller would be required to establish a new Services Audit Unit within the Controller's Office to:

- review performance and cost benchmarks developed by City departments and conduct comparisons of the cost and performance of the City's government with other similar cities, counties and public agencies,
- conduct an annual performance audit of the City's street, sidewalk, and park maintenance and cleaning operations,
- conduct reviews of management and employment practices,
- conduct periodic, comprehensive financial and performance audits of City departments, services, and activities.

Attachment I provided by the City Attorney's Office, is a legislative digest, which further describes the functions of the proposed Services Audit Unit, and other duties required of the Controller as City Services Auditor. These duties include:

- publishing and distributing final performance audits,
- overseeing the City's contracting procedures,
- investigating citizen complaints,
- maintaining and publicizing a whistleblower and citizen complaint hotline telephone number and website, and
- reviewing whether and how City departments prepare customer service plans.

The proposed Charter Amendment would require the City's existing nine-member independent Citizens' General Obligation Bond Oversight Committee, appointed by the Board of Supervisors, to serve as a Citizens Audit Review Board to advise the Controller on the performance of the subject duties as City Services Auditor.

Finally, under the proposed Charter Amendment, a Controller's Audit Fund would be established to fund the implementation of the provisions of the proposed Charter Amendment. According to the proposed Charter Amendment, the City would be required to set aside at least two-tenths of one percent (0.2%) of the City's overall budget, apportioned by fund, excluding debt service payments, to fund the implementation of the proposed Charter Amendment (see Comment No. 2).

Comments:

2. As shown in the table below, based on the City's FY 2003-2004 budget, of \$4,263,248,918 net of debt service payments, as recommended by the Mayor, the amount of the Controller's Audit Fund that would be required if the proposed Charter Amendment is approved, based on 0.2 percent of the City's total budget, would be \$8,526,498. The Controller's proposed FY 2003-2004 budget includes funding in the amount of \$3,175,470, including work order funds, for its Audits Program. Therefore, based on FY 2003-2004 data, the increase in funds dedicated to the Controller's audit function based on the 0.2 percent set aside for the Controller's Audit Fund would be \$5,351,028 annually over the current level of funding as follows:

**City's FY 2003-2004 Budget
Recommended by the Mayor**

General Fund	\$2,241,213,773	
Less: Debt Service	<u>126,004,468</u>	
Net General Fund		\$2,115,209,305
Non-General Fund	2,548,968,855	
Less: Debt Service	<u>400,929,242</u>	
Net Non-General Fund		<u>2,148,039,613</u>
Total		\$ 4,263,248,918

0.2 Percent Controller's Audit Fund

General Fund (.002 x 2,115,209,305)	\$ 4,230,419	
Non-General Fund (.002 x 2,148,039,613)	<u>4,296,079</u>	
Total		\$ 8,526,498

FY 2003-2004 Controller's Audit Budget as presently Recommended by the Mayor	<u>\$ 3,175,470</u>
---	---------------------

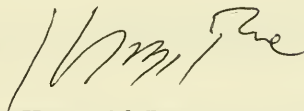
**Additional Funds Needed to Increase Controller's Audit
Budget set aside in accordance with the Proposed
Charter Amendment**

\$ 5,351,028

3. As noted in Attachment II provided by the Controller's Office, the Controller's Office estimates that based on the proposed FY 2003-2004, the total increased costs to the City would be approximately \$5.3 million, consisting of \$1.5 million in General Fund monies and \$3.8 million in Non-General Fund monies, in addition to the \$3.2 million currently budgeted in FY 2003-2004 for existing audit duties in the Controller's Office.

Memo to Rules Committee
June 30, 2003 Rules Committee Meeting

Recommendation: Approval of the proposed Charter Amendment is a policy matter for the Board of Supervisors.

A handwritten signature in dark ink, appearing to read 'H. M. Rose', written in a cursive style.

Harvey M. Rose

cc: Supervisor Hall
Supervisor Dufty
President Gonzalez
Clerk of the Board
Controller
Ben Rosenfield
Ted Lakey

LEGISLATIVE DIGEST

[Designating the Controller as City Services Auditor, establishing duties, and setting aside two-tenths of one percent of the City's annual budget for a Controller's Audit Fund.]

A proposal to amend the Charter of the City and County of San Francisco at an election to be held on November 4, 2003 by amending Section 3.105 and adding Appendix F, to designate the Controller as the City Services Auditor, establish duties for that function, and set aside two-tenths of one percent of the City's annual budget for a Controller's Audit Fund.

Existing Law

The Controller is the chief fiscal officer of the City and County. The powers and duties of the Controller are set out in Charter Section 3.105. The Controller "shall issue from time to time such periodic or special financial reports as may be requested by the Mayor or Board of Supervisors." Under the Administrative Code, the Controller is required to have a Performance and Efficiency Audit Office.

Amendments to Current Law

The first part of the proposal would amend Charter Section 3.105 to provide that the Controller shall also serve as the "City Services Auditor" for the City and County. As Auditor, the Controller would be responsible for monitoring the level and effectiveness of services rendered by the City to its residents.

The second part of the proposal would add a new Appendix F (Sections F1.100 to F1.114) to the Charter, to set out the specific powers and duties of the Controller as City Services Auditor:

Section F1.100. Findings.

This section explains why the proponents have submitted the measure, and summarizes some of the changes that the measure would make.

Sec. F1.101. City Services Auditor; Services Audit Unit.

This section would make the Controller the City Services Auditor, and make him or her responsible for monitoring the level and effectiveness of services provided by City government to the public.

The Controller would establish a Services Audit Unit. The Services Audit Unit would review performance and cost benchmarks developed by City departments in consultation with the Controller, and would conduct comparisons of the cost and performance of San Francisco City government with other cities, counties and public agencies performing similar functions.

Among other things, the Services Audit Unit would assess:

- The cleanliness and condition of streets, sidewalks, and the urban environment and landscape;
- The performance of other public works and government-controlled public utilities, including water and clean water programs;
- Parks, cultural and recreational facilities;
- Transportation, as measured by the standards set out in Charter Section 8A.103, but the Municipal Transportation Agency would continue to have primary responsibility for such assessment;
- The criminal justice system, including the Police Department, Juvenile and Adult Probation Departments, Sheriff, District Attorney and Public Defender;
- Fire and paramedic services;
- Public health and human services;
- City management; and,
- Human resources functions, including personnel and labor relations.

Sec. F1.102. Street, Sidewalk, and Park Cleaning and Maintenance.

The Services Audit Unit would conduct an annual performance audit of the City's street, sidewalk, and park maintenance and cleaning operations.

All city agencies engaged in street, sidewalk, or park maintenance would have to establish regular maintenance schedules for streets, sidewalks, and parks, and provide the public with information on how they are meeting those schedules.

Sec. F1.103. Management Practices.

The Services Audit Unit would conduct an annual review of management and employment practices, including City policies labor agreements, that either promote or impede the effective and efficient operation of city government. The Unit would also identify the top five City departments by workers compensation claims and the top five departments by overtime expenditures. And the Unit would conduct best practices reviews and other studies and assist departments in implementing the findings.

Sec. F1.104. Performance Audits.

The City Services Audit Unit would conduct periodic, comprehensive financial and performance audits of city departments, services, and activities. The Controller would select the departments, services, and activities to be audited, giving priority to those involved in providing direct services to City residents. Absent extraordinary circumstances, no department, service, or activity shall be audited on the same topic for two successive years.

Sec. F1.105. Audit Results.

Before any report relating to the operations or activities of a City officer or agency was made public, the Controller would give the officer or head of the agency an opportunity to review the report and respond in writing. The response would be included with the report.

The Controller would publish and distribute all final performance audits. Each audited department would include with its next two annual budget requests following such audit a report on the status of any recommendations the Controller made as part of the audit.

To avoid conflicts of interest, all employees engaged in preparation of audits would be designated as confidential employees. If regular audit staff were unable to participate in an audit due to a potential conflict of interest, or as a result the employee's collective bargaining representation, the Controller could assign other employees regardless of civil service job description, hire outside experts, or contract for such services with an outside individual or agency.

Sec. F1.106. Oversight Of Contracting Procedures.

The Controller would oversee the City's contracting procedures, including developing model criteria and terms for requests for proposals (RFPs), auditing compliance with City contracting rules and procedures, and, where appropriate, investigating cases of alleged abuse or conflict of interest. The Controller would report instances of misconduct or conflict of interest to the appropriate authorities for enforcement. Nothing in this Section would affect or limit the jurisdiction of any other City officer or department over contracting.

Sec. F1.107. Citizens' Complaints; Whistleblowers.

The Controller would investigate citizen complaints concerning the quality and delivery of government services, wasteful and inefficient City government practices, misuse of City government funds, and improper activities by City government officers and employees. The Controller would refer complaints involving violations of criminal laws or governmental ethics laws to the District Attorney, the City Attorney, and the Ethics Commission for enforcement.

The Controller would maintain and publicize a whistleblower and citizen complaint hotline telephone number and website. The Board of Supervisors would be required to enact an ordinance protecting the confidentiality of whistleblowers, and protecting City officers and employees from retaliation for filing a complaint with, or providing information to, the Controller, Ethics Commission, District Attorney, City Attorney or a City department or commission about improper government activity by City officers and employees.

The Controller could also, at the request of a resident, taxpayer, neighborhood organization, or elected official, or on his or her own motion, investigate any alleged failure of a City officer or agency to comply with any provision of the City Charter, law, or regulation. If the Controller concluded that there was a substantial failure to comply, he or she would send a preliminary report to the officer and the head of each agency involved. Within a reasonable time after submitting the preliminary report, the Controller would issue a final public report.

Sec. F1.108. Customer Service Plans.

The Controller would review whether and how City departments prepared customer service plans required under the Charter.

Sec. F1.109. Legislation.

The Controller could propose legislation to the Board of Supervisors and the Mayor to improve City programs and services and to make the delivery of such programs and services more efficient.

Sec. F1.110. Access To Records; Preliminary Reports.

The Controller would have timely access to all non-privileged records and documents he or she deemed necessary to complete any inquiries and reviews covered by the Appendix. The Controller could enforce his or her right of access by subpoena.

Except to the extent required by state or federal law, all drafts, notes, preliminary reports of Controller's benchmark studies, audits, investigations and other reports would be confidential.

Sec. F1.111. Citizens Audit Review Board.

The proposal would authorize the Citizens' General Obligation Bond Oversight Committee to serve as an independent Citizens Audit Review Board. The Review Board would advise the Controller regarding performance of his or her duties as the City Services Auditor. The Review Board could:

- Review the Controller's service standards and benchmarks to ensure their accuracy and usefulness;
- Review audits to ensure that they meet the requirements set forth above;
- Subject to appropriate rules ensuring the confidentiality of complainants, review citizen and employee complaints received through the whistleblower/complaint hotline and website and the Controller's disposition of those complaints; and
- Hold public hearings regarding the results of benchmark studies and audits to encourage the adoption of "best practices" consistent with the conclusions of the studies and audits.

Sec. F1.112. Outside Experts.

The Controller could contract with outside, independent experts to perform his or her duties as City Services Auditor, and would not be required to get the approval of any City agency to execute contracts with such individuals. The Controller would, to the extent possible, comply with Chapter 12D of the Administrative Code and related chapters, but would not be subject to the approval processes of other City departments. Any Controller's contracts with revenues of over \$1 million, expenditures of over \$10 million, or a term of over ten years would still have to be approved by the Board of Supervisors.

No outside expert or firm would be eligible to participate in an audit or investigation of any matter where that expert or firm had previously given advice or services for pay to any individual, corporation or City department involved in the matter other than the Controller.

Sec. F1.113. Controller's Audit Fund.

Under the proposal, the City would set aside at least two-tenths of one percent (0.2%) of the City's overall budget, apportioned by fund and excluding bond related debt, for a

BOARD OF SUPERVISORS

Controller's Audit Fund, to be used exclusively to implement the proposal. Money from the Audit Fund could not be used to replace existing funding for non-audit related functions of the Controller's Office. Any balance left in the Audit Fund at the end of the year would be returned to the General Fund or the enterprise fund where the money originated.

Sec. F1.114. Operative Date; Severability.

This proposal would go into effect on July 1, 2004. The amendment would not affect the term or tenure of the current Controller.



CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER

Ed Harrington
Controller

Monique Zmuda
Deputy Controller

June 25, 2003

Ms. Gloria L. Young
Clerk of the Board
Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

RE: File Number 030812
Charter Amendment designating the Controller as City Services Auditor, establishing duties, and setting aside 0.2 percent of the City's annual budget for a Controller's Audit Fund

Dear Ms. Young,

Should the proposed charter amendment be approved by the voters, in my opinion, there would be an increase in the cost of government. The amendment specifies that 2/10ths of one percent of the annual budget be set aside to fund auditing, performance measurement, and other efforts to increase effectiveness and efficiency of City services. Using the 2003-04 budget as an example, an additional \$1.5 million of general fund and \$3.8 million of non-general fund (e.g. Water, Airport, Muni) support would be set aside for this purpose in addition to the \$3.2 million currently budgeted for these duties.

The amendment adds the function of City Services Auditor to the Controller's duties, and specifies the creation of a Services Audit Unit. The Controller/City Services Auditor would have new responsibility for benchmarking, standard-setting, and performance auditing of City services and departments. An annual review of City management and employment practices, an annual performance audit of the cleaning and maintenance of streets, sidewalks, and parks, and the operation of a whistleblower hotline are specifically required. As a result of this work, City services may be improved or made more efficient.

Please note that this amendment involves the Controller's office, which has prepared this statement.

Sincerely,

Edward M. Harrington
Controller



City and County of San Francisco

Meeting Minutes Rules Committee

Members: Tony Hall, Bevan Dufty and Matt Gonzalez

Clerk: Deborah Muccino

City Hall
1 Dr. Carlton B.
Goodlett Place
San Francisco, CA
94102-4689

Monday, June 30, 2003

9:30 AM

Legislative Chambers

Special Meeting

Members Present: Tony Hall, Bevan Dufty, Matt Gonzalez.

DOCUMENTS DEPT.

MEETING CONVENED

JUL 1 - 2003

SAN FRANCISCO
PUBLIC LIBRARY

The meeting convened at 9:38 a.m.

031131 [appointment]

Hearing to consider appointing one member to the Lead Hazard Reduction Citizens Advisory Committee.

1 seat being considered

Vacant seat, succeeding Marvin Ruiz, resigned, seat 2, must represent the Bureau of Building Inspection, DPW, or designee for the unexpired portion of a 4 year term ending December 22, 2003.

6/13/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: James Hutchinson. Appointment of James Hutchinson, seat 2, recommended.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing James Hutchinson, term ending December 22, 2003 to the Lead Hazard Reduction Citizens Advisory Committee. Residency requirement waived.

James Hutchinson (residency requirement waived), succeeding Marvin Ruiz, resigned, seat 2, must represent the Bureau of Building Inspection, DPW, or designee for the unexpired portion of a 4 year term ending December 22, 2003.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

031055 [Minimum WageTask Force]

Supervisors Dufty, Ma, Newsom

Resolution establishing an advisory task force to evaluate the impact and benefits of establishing a San Francisco minimum wage on San Francisco's economy, businesses, and residents and setting forth the membership and duties of the task force.

6/10/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Patricia Breslin; Kevin Westly; Tom Creedon; Marianne Costello; Lorie Regis; Kathleen Harrington; Mike Casey; Gwynth Borden; Anthony Faber; Willie Radcliff; Jo Lynn Lockly. Continued to the July 23, 2003 meeting.

CONTINUED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030865 [Charter Amendment -Transferring the Police Department's functions, assets and operations to the Sheriff]**Supervisor Daly**

Charter amendment (Third Draft) to amend Section 6.105 and providing for the repeal of Section 4.109, to transfer the Police Department's functions, assets and operations to the Sheriff.

5/13/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/12/2003.

5/20/03, SUBSTITUTED. Supervisor Daly submitted a substitute Charter amendment bearing new title.

5/20/03, ASSIGNED UNDER 30 DAY RULE.

6/23/03, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in committee. Speakers: Bill Barnes, aide to Supervisor Daly; Heather Fong, SF Police Department; Marianne DeSouza, Sheriff Department; Tom Owen, Deputy City Attorney; Richard Robinson; Ted Lakey, Deputy City Attorney.

6/23/03 Amendment of the whole bearing same title.

Continued to June 30, 2003.

6/23/03, CONTINUED.

Heard in committee. Speakers: Bill Barnes, Aide to Supervisor Daly; Supervisor Daly; Willie Radcliff; Assistant Chief Fagan, SF Police Department.

RECOMMENDED "DO NOT SUBMIT" by the following vote:

Ayes: 2 - Hall, Dufty

Noes: 1 - Gonzalez

030866 [Charter Amendment - Establishing an Elected Rent Board]**Supervisor Daly**

Charter amendment (Second Draft) to add a new Article VIA to establish an elected San Francisco Residential Rent Stabilization and Arbitration Board that would replace the existing appointed Rent Board.

5/13/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/12/2003.

6/23/03, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in committee. Speakers: Bill Barnes, aide to Supervisor Daly; William Kunzig; Andrew Long; John Fabris; Peter Holden; Denise Dianne; Delbert Scott; Bruce Livingston; Ted Guilickson; Bob Coleman; Female Speaker.

6/23/03 Amendment of the whole bearing same title.

Continued to June 30, 2003.

6/23/03, CONTINUED.

Heard in committee. Speakers: Supervisor Daly; Joe Grubb, Director of the Rent Board; Jose Morales; Robert Bender; Laura Traveler; Esther B. Westheim; Riley Moody; Brian Basinger; Betty McGovern; Anthony Faber; Robert Rifkin; Bob Coleman; Arnold Cohn; Carolyn Blair; Peter Holden; Paul Hogarth; Frank Ish; Jean Adams; David Grace; Sam Dodge; Ted Guilickson; Chester Zemini; Nick Paupulatos; Beatrice Wilbur; Helen Fellows; Steven Schubert; Randy Shaw; Mark Gellenger; Gil Thornley; Meredith Walters; Reggie Meadows; Richard Marquez; Richard Ow; James Collins; Mitch Lowenberg; Ernestine Weiss; Otto Duffy.

RECOMMENDED "DO NOT SUBMIT" by the following vote:

Ayes: 2 - Hall, Dufty

Noes: 1 - Gonzalez

011654 [Public Advocate; Department of Neighborhood Empowerment]**Supervisor Daly**

Charter amendment (Second Draft) to amend Section 6.100 and adding Section 6.108 and 16.121 to create the Public Advocate, establish the Department of Neighborhood Empowerment and create neighborhood councils.

(fiscal impact)

9/17/01, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/17/2001.

10/25/01, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Richard Ow; Bill Barnes, aide to Supervisor Daly; Debra Newman, Budget Analysts Office; Peg Stevenson, Controllers Office.

10/25/01, DIVIDED.

10/25/01, CONTINUED. Divided to create File No. 011957 and 011958.

Continued to November 1, 2001.

11/1/01, CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Supervisor Chris Daly; Richard Ow; Ron Miguel; Elmo Wedderburn; John Bardis.

1/28/02, TRANSFERRED to Rules and Audits Committee. Transferred pursuant to new committee structure.

2/5/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

6/23/03, CONTINUED. Heard in committee. Speakers: Bill Barnes, aide to Supervisor Daly; Marilyn Yee; Ginny Vida, Ethics Commission; Bob Planthold, Ethics Commission; Ted Lakey, Deputy City Attorney.

Continued to June 30, 2003.

Heard in committee. Speakers: Supervisor Daly; Willie Radcliff; Bob Coleman.

TABLED by the following vote:

Ayes: 2 - Hall, Duffy

Absent: 1 - Gonzalez

030812 [Charter Amendment - Designating the Controller as City Services Auditor]**Supervisor McGoldrick**

Charter amendment (Fourth Draft) to amend Section 3.105 and to add Appendix F to designate the Controller as the City Services Auditor, establish duties for that function, and set aside two-tenths of one percent of the City's annual budget for a Controller's Audit Fund.

(Fiscal impact.)

5/20/03, SUBSTITUTED. Supervisor McGoldrick submitted a substitute Charter amendment bearing new title.

5/20/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/19/2003.

6/3/03, SUBSTITUTED. Supervisor McGoldrick submitted a substitute Charter Amendment (Third Draft) bearing new title.

6/3/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/6/2003.

6/3/03, ASSIGNED to Rules Committee.

6/23/03, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in committee. Speakers: Supervisor Peskin; Tom Owen, Deputy City Attorney; Ginny Vida, Ethics Commission; Bob Planthold, Ethics Commission; Ed Harrington, Controller; Ted Lakey, Deputy City Attorney.

6/23/03 Amendment of the whole bearing new title.

Continued to June 30, 2003

6/23/03, CONTINUED.

Heard in committee. Speakers: Nia Crowder; Supervisor McGoldrick; Ed Harrington, Controller; John Bardis.

6/30/03 Amendment of the whole bearing same title.

Supervisors Ma and Duffy requested to be added as co-sponsors.

Continued to July 7, 2003.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

Charter amendment (Fifth Draft) to amend Section 3.105 and to add Appendix F to designate the Controller as the City Services Auditor, establish duties for that function, and set aside two-tenths of one percent of the City's annual budget for a Controller's Audit Fund.

(Fiscal impact.)

CONTINUED by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 1 - Gonzalez

ADJOURNMENT

The meeting adjourned at 12:58 p.m.

CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

June 26, 2003

DOCUMENTS DEPT

JUN 30 2003

SAN FRANCISCO
PUBLIC LIBRARY

TO: Rules Committee

FROM: Budget Analyst

SUBJECT: July 02, 2003 Rules Committee Meeting

Item 1 - File 03-0855

Note: This item was continued by the Rules Committee at its meeting of June 25, 2003.

Proposed Charter

Amendment: Charter Amendment adding Sections A8.401 and A8.522 to provide early retirement benefits to eligible employees.

Draft: Second

Charter Sections

Affected: Sections A8.401 and A8.522.

Description: Under the existing Charter Section A8.509, miscellaneous City employees who are 50 years of age and have 20 years of service in the San Francisco Employees' Retirement System (SFERS), or City employees who are 60 years of age and have 10 years of service in the SFERS, are eligible to retire and receive retirement compensation. Such employees receive retirement compensation based on the retirement compensation formula shown in the Attachment. An employee who is 50 years of age would receive compensation equal to one percent for each year of service, times the annual compensation for the year in which the employee received the highest compensation. Under the existing Charter, the

retirement compensation formula increases by one-quarter of one-tenth of one percent (0.00025) every three months, resulting in retirement compensation for a miscellaneous City employee who is 60 years of age, equal to two percent for each year of service, as shown in Attachment I, times the annual compensation for the year in which the employee received the highest compensation.

The proposed Charter Amendment would add new Charter Sections, Sections A8.401 and A8.522, to provide "early retirement benefits", or an early retirement incentive, to eligible employees in classifications identified for layoffs.

Section A8.401 would provide that, except for members of the Police and Fire Departments, "early retirement benefits" be made available to all miscellaneous SFERS members, identified by the Director of the Department Human Resources (DHR) as eligible during FY 2003-2004 and FY 2004-2005. Eligible employees would consist of 1) in order of seniority, permanent civil service employees currently employed in an Identified Classification¹, and permanent civil service employees laid off between March 1, 2003 and June 30, 2005 from an Identified Classification, 2) in order of seniority, permanent civil service employees currently employed in classifications that have been near-listed to an Identified Classification, and 3) exempt and provisional employees involuntarily laid off between March 1, 2003 and June 30, 2005 from an Identified Classification. Additionally, the proposed Charter Amendment would allow the San Francisco Unified School District and the San Francisco Community College to offer early retirement benefits to their employees.

According to Ms. Linda Ross at the City Attorney's Office, in order to limit the number of employees eligible for "early retirement benefits", the number of employees selected by the Director of DHR for "early

¹ Identified Classifications are the classifications of positions that have been or will be eliminated or reduced during the fiscal year due to lay off, or the termination of City services or functions.

retirement benefits" cannot exceed the number of employees noticed for separation or separated from City employment due to layoff. The proposed Charter Amendment further states that a current employee who has not been laid off would only be eligible for early retirement if that employee's retirement would result in the retention or return to City employment of a laid off employee.

Section A8.522 would provide for "early retirement benefits", which would be an increase in the eligible employee's age by three years and credited years of service by three years, thereby providing an incentive to targeted employees to retire early. For example, under the existing Charter provision, an eligible employee who is 50 years of age with 20 years of service in SFERS, whose highest level of compensation in a given year is \$80,000, would receive annual retirement compensation equal to 1.0 percent (based on 50 years of age) times 20 years times \$80,000, or 20 percent of \$80,000, which equals \$16,000 per year under the existing Charter. Under the proposed Charter Amendment, the eligible employee would instead receive annual retirement compensation equal to 1.3 percent (based on 53 years of age, as shown in the Attachment) times 23 years times \$80,000, or 29.9 percent of \$80,000, which equals \$23,920 per year.

Additionally, under the existing Charter Amendment an eligible employee who is 47 years of age with 17 years of service in SFERS, whose highest level of compensation in a given year is \$80,000, would not be eligible for retirement benefits under the existing Charter. Under the proposed Charter Amendment the eligible employee would instead receive annual retirement compensation equal to 1.0 percent times 20 years (17 years plus 3 years) times \$80,000, or 20 percent of \$80,000, which equals \$16,000 per year.

The proposed Charter Amendment would provide the "early retirement benefits" upon completion by the Board of Supervisors of the FY 2003-2004 budget, and would sunset on July 1, 2005. However, the proposed Charter Amendment would allow the Board of

Supervisors to extend the term of the proposed Charter Amendment an additional two years until June 30, 2007, by a nine-vote majority.

Fiscal Impact: According to Ms. Clare Murphy of the Retirement System, the estimated increased cost to the City resulting from the proposed Charter Amendment cannot currently be quantified due to the 1) unknown economic and fiscal conditions of the four year duration of the proposed early retirement incentive and 2) unknown numbers of laid off employees. According to Ms. Murphy, Attachment II provided by the SFERS, provides an example of the estimated one-time cost, at an individual participant level, that would be payable by the City, upon the initiation of the retirement incentive.

Comment: According to Ms. Ross, backfilling of positions made vacant as a result of the early retirement incentive would be prevented by the proposed Charter Amendment through the Charter provision which states, "The number of employees who receive early retirement benefits in each Identified Classification shall not exceed the number of employees separated from city service due to layoffs in the Identified Classification."

Recommendation: Approval of the proposed Charter Amendment is a policy matter for the Board of Supervisors.

Age at Retirement	Percent for Each Year of Credited Service
50	1.0000
50 1/4	1.0250
50 1/2	1.0500
50 3/4	1.0750
51	1.1000
51 1/4	1.1250
51 1/2	1.1500
51 3/4	1.1750
52	1.2000
52 1/4	1.2250
52 1/2	1.2500
52 3/4	1.2750
53	1.3000
53 1/4	1.3250
53 1/2	1.3500
53 3/4	1.3750
54	1.4000
54 1/4	1.4250
54 1/2	1.4500
54 3/4	1.4750
55	1.5000
55 1/4	1.5250
55 1/2	1.5500
55 3/4	1.5750
56	1.6000
56 1/4	1.6250
56 1/2	1.6500
56 3/4	1.6750
57	1.7000
57 1/4	1.7250
57 1/2	1.7500
57 3/4	1.7750
58	1.8000
58 1/4	1.8250
58 1/2	1.8500
58 3/4	1.8750
59	1.9000
59 1/4	1.9250
59 1/2	1.9500
59 3/4	1.9750
60	2.000*

City and County of San Francisco



San Francisco City and County
Employees' Retirement System
Office of The Executive Director

June 17, 2003

Ms. Gloria L. Young
Clerk of the Board
Board of Supervisors
Room 244, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

**Re: File Number 030855 Early Retirement Benefits
Charter Amendment (Second Draft)**

Dear Ms. Young,

This proposed charter amendment will add provisions to both the Human Resources and Retirement chapters of the San Francisco Charter. This report is prepared in accordance with Charter Section A 8.500 which requires an actuarial cost and effect report for any proposed change in retirement benefits. This report will focus on the changes in retirement benefits (Section A8.522) and will not address the provisions which determine which participants will be eligible to receive the early retirement incentive (Section A8.401).

Summary of the Proposal

The proposed charter amendment will provide an incentive to targeted participants to retire early. The proposed incentive will add three years to age and three years to the service accruals of the targeted participants. The proposed charter amendment will be available to miscellaneous (not police or fire) members only. The proposal provides for the incentive to be available upon completion of the budget process and any supplemental budget processes until June 30, 2005 and further provides the capacity for the Board of Supervisors to extend the incentive window for an additional two years by a nine vote action. The incentive would sunset completely on June 30, 2007.

Cost and Effect of the Proposal

This proposed benefit incentive is targeted to those employees most senior in a class which experiences layoffs due to budget cuts, with the Controller ensuring that no more employees can be certified for early retirement benefits than the number of employees separated due to layoff caused by budget elimination of positions.

Ms. Gloria Young
 File Number 030855 Early Retirement Benefits
 Charter Amendment (Second Draft)
 June 17, 2003
 Page 2

The effect of the proposal is difficult to quantify as the number of "employees separated due to lay off" for the current budget cycle is not yet known. Further, the attributes of the participants certified as eligible to consider the early retirement incentive are also not known. The window proposed in this proposal is significantly longer (up to four years with several trigger points) than any early retirement programs utilized by California public pension plans.

Given the long duration of the proposed early retirement incentive, unknown numbers of laid off employees, unknown future economic and fiscal conditions for an up to four year time frame, it is not possible to determine the cost or effect of such a proposal on the San Francisco Employees Retirement System. In fact, the actual cost of such an early retirement incentive can only be determined several years after the closure of the incentive window when the number of early retirees, aggregate incentive amounts and impact of probable accelerated promotional wage increases can be measured.

It is possible to determine the cost of a three years of age and three years of service incentive upon representative participants based on the population eligible to benefit from such an incentive should they be identified and certified as eligible by the Director of Human Resources and the Controller. Following is a chart showing representative participants and the cost of the incentive as a percentage of current salary:

Age	Years of Service	Cost as % of Annual Pay
47	17	18.19%
52	17	129.58%
	22	142.29%
57	7	131.44%
	17	217.88%
	35	183.24%
62	7	107.53%
	17	63.76%
	35	53.13%

The examples are selected to demonstrate the impact of this proposal at significant age and service combinations. The costs assume the member retires immediately upon receiving the additional age and service incentives. The cost measures the present value of the difference between the early retirement enhanced benefit and the benefit payable without the incentive discounted at 8.25%, a 2% cost of living

Ms. Gloria Young
File Number 030855 Early Retirement Benefits
Charter Amendment (Second Draft)
June 17, 2003
Page 3

adjustment. The cost is presented as a percentage of current salary. For those age and service cases not otherwise eligible for a benefit the comparison is made with an annuity based on two times the contribution account. The calculations presented were prepared by Towers Perrin, the San Francisco Employees' Retirement System's consulting actuary.

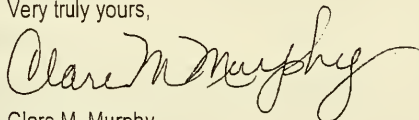
It is important to note that the ultimate cost of the Early Retirement incentive will be amortized over a period of 20 years, as a level percentage of future salaries, in accordance with Charter section 12.100. For example, the approximately \$100 million cost of Prop A the 1992-3 Early retirement incentive will not be fully paid off until 2013.

Non-pension Plan Costs

Among the cost and effects of an early retirement program are the fact that ultimately more individuals retire than would be the case under the normal operation of the pension plan. In San Francisco increased numbers of retirements have the impact of adding additional retiree and retiree dependent health coverage costs under the Health Service System charter provisions.

Representatives of the San Francisco Employees' Retirement System will attend the June 25, 2003 Rules Committees meeting and will be available to answer questions.

Very truly yours,



Clare M. Murphy
Executive Director

cc: Mayor Willie L. Brown, Jr.
Supervisor Matt Gonzalez, President, Board of Supervisors
Supervisor Tony Hall, Chair, Rules Committee
Supervisor Bevan Dufty, Vice Chair, Rules Committee
Deborah Muccino, Clerk, Rules Committee
Harvey Rose, Budget Analyst
Leanne Nhan, Office of the Budget Analyst ✓
Severin Campbell, Office of the Budget Analyst
Ed Harrington, Controller
Peg Stevenson, Controller's Office
Dennis Herrera, City Attorney

Item 2 - File 03-0857

Note: This item was continued by the Rules Committee at its meeting of June 25, 2003.

Department: Retirement

Proposed Charter Amendment: Charter Amendment (Second Draft) adding Section A8.583 to provide for a change in the retirement compensation for attorneys in the District Attorney's Office and the Public Defender's Office and for Public Defender's Investigators.

Draft: Second

Charter Sections Affected: Section A8.583

Description: Currently, attorneys in the District Attorney's Office and Public Defender's Office and Public Defender's Investigators receive the same level of compensation upon retirement provided to miscellaneous City employees who are members of the San Francisco Employee Retirement System (SFERS), under Charter Sections A8.509 and A8.587. The proposed Charter Amendment would increase the level of retirement benefits for attorneys in the District Attorney's Office and Public Defender's Office and Public Defender's Investigator as discussed below.

- Under the existing Charter Sections A8.509 and A8.587, miscellaneous City employees who are members of SFERS, including attorneys in the District Attorney's Office and Public Defender's Office and Public Defender's Investigators, who are 50 years of age and have 20 years of service in SFERS, are eligible to retire. Such employees receive retirement compensation, equal to one percent for each year of service, times the annual compensation for the year in which the employee received the highest compensation.
- Under the proposed Charter Amendment, attorneys in the District Attorney's Office and Public Defender's Office and Public Defender's Investigators, would receive increased retirement compensation. The

proposed Charter Amendment provides that an employee in the subject classifications who is 50 years of age with at least five years of service in SFERS, compared to 20 years of service under the existing Charter provision, would be eligible for retirement. An eligible employee who is 50 years of age with at least five years of service in SFERS would receive retirement compensation equal to 2.4 percent for each year of service, compared to one percent under the existing Charter provision, times the annual compensation for the year in which the employee received the highest compensation.

Therefore, under the existing Charter provision, a miscellaneous City employee who is 50 years of age with 20 years of service in SFERS, and whose highest level of compensation in a given year is \$80,000, receives annual retirement compensation equal to one percent times 20 years times \$80,000, or 20 percent of \$80,000, which equals \$16,000 per year. Under the proposed Charter Amendment, an eligible employee who is 50 years of age with 20 years of service in SFERS¹, and whose highest level of compensation in a given year is \$80,000, would receive annual retirement compensation equal to 2.4 percent times 20 years times \$80,000, or 48 percent of \$80,000, which equals \$38,400 per year, which is \$22,400 or 140 percent more than the \$16,000 in annual retirement compensation which such employee would receive under the current compensation formula.

- Also, under the existing Charter Sections A8.509 and A8.587, the retirement compensation formula increases by one-quarter of one-tenth of one percent (0.00025) every three months, resulting in retirement compensation for a miscellaneous City employee who is 60 years of age with at least 10 years of service, equal to two percent for each year of service times the

¹ For purposes of comparison, this report estimates retirement benefits under the proposed Charter Amendment for an employee who is 50 years of age with 20 years of service. However, the proposed Charter Amendment provides eligibility for retirement benefits for an employee who is 50 years of age with 5 years of service. Therefore, an eligible employee who is 50 years of age with 5 years of service and whose highest level of compensation in a given fiscal year is \$80,000, would receive annual retirement compensation equal to 2.4 percent times 5 years times \$80,000, or 12 percent of \$80,000, which equals \$9,600 per year.

annual compensation for the year in which the employee received the highest compensation.

- Under the proposed Charter Amendment, the retirement compensation formula increases by three-tenths of one-tenth of one percent (0.00030) every three months, resulting in retirement compensation for an eligible employee who is 55 years of age, equal to three percent for each year of service times the annual compensation for the year in which the employee received the highest compensation.

Therefore, under the existing Charter provision, a miscellaneous City employee who is 55 years of age with 20 years of service in SFERS, and whose highest level of compensation in a given year is \$80,000, receives annual retirement compensation equal to 1.5 percent² times 20 years times \$80,000, or 30 percent of \$80,000, which equals \$24,000 per year. Under the proposed Charter Amendment, an eligible employee who is at least 55 years of age with 20 years of service in SFERS, and whose highest level of compensation in a given year is \$80,000, would receive annual retirement compensation equal to three percent times 20 years times \$80,000, or 60 percent of \$80,000, which equals \$48,000 per year, which is \$24,000 or 100 percent more than under the existing Charter provision.

In addition to the provisions noted above, the proposed Charter Amendment would increase the cap on retirement compensation from the current cap of 75 percent of the highest level of compensation in a given year to 90 percent of the highest level of compensation in a given year.

Fiscal Impact:

Ms. Clare Murphy, Executive Director of the Employees Retirement System, stated that she will provide an actuarial cost estimate to the Rules Committee at the June 25, 2003 Rules Committee meeting.

² Under the existing Charter provision, the retirement benefit calculation formula increases every three months, as noted above, and equals 1.5 percent times years of service times highest annual income at age 55 and 2.0 percent times years of services times highest annual income at age 60. For purposes of comparison, this report calculates retirement benefits for employees at age 55 under the existing Charter provision and the proposed Charter Amendment.

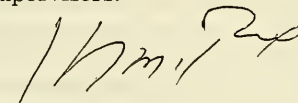
Comments:

1. According to Ms. Murphy, the proposed Charter Amendment includes a provision which states that, if in any year, the employer contribution rate exceeds zero percent, the City and employee organizations representing Charter Section A8.583 members, will engage in a cost sharing collective bargaining negotiation. Ms. Murphy advises that the proposed provision would allow the covered employees to contribute, in addition to the current 7.5 percent of covered payroll, up to 2.5 percent of covered payroll, for a maximum of 10 percent of covered payroll, to offset employer costs.

2. The proposed Charter Amendment contains a provision, which requires the City to take all steps necessary to insure that attorneys in the District Attorney's Office and the Public Defender's Office, and Public Defender's Investigators are considered police officers for purposes of the Federal Social Security Act, which would allow such employees to withdraw from the Social Security System. According to Ms. Murphy, if the subject classifications are allowed to withdraw from the Social Security System, the City would achieve annual savings equal to approximately 6.2 percent of social security covered salaries for the subject classifications. However, Ms. Murphy advises that the possibility of considering the subject classifications as police officers for purposes of the Federal Social Security Act is uncertain due to changes in Federal Social Security procedures.

Recommendation:

Approval of the proposed Charter Amendment is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc: Supervisor Hall
Supervisor Dufty
President Gonzalez
Clerk of the Board
Controller
Ben Rosenfield
Ted Lakey



City and County of San Francisco

Meeting Minutes

Rules Committee

Members: Tony Hall, Bevan Dufty and Matt Gonzalez

Clerk: Deborah Muccino

City Hall
1 Dr. Carlton B.
Goodlett Place
San Francisco, CA
94102-4689

Wednesday, July 02, 2003

9:30 AM

Legislative Chambers

Regular Meeting

Members Present: Tony Hall, Bevan Dufty, Matt Gonzalez.

DOCUMENTS DEPT.

JUL - 7 2003

SAN FRANCISCO
PUBLIC LIBRARY

MEETING CONVENED

The meeting convened at 9:37 a.m.

030855 [Charter Amendment - Early retirement benefits to employees in classifications identified for layoffs due to the City's fiscal crisis]

Charter amendment (Second Draft) to add Sections A8.401 and A8.522 to provide early retirement benefits to eligible employees. (Mayor)

5/13/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/12/2003.

6/18/03, CONTINUED. Heard in committee. Speakers: None. Continued to June 25, 2003.

6/25/03, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in committee. Speakers: Steve Kawa, Mayor's Office; Michele Modena.

6/25/03 Amendment of the whole bearing same title.

Continued to July 2, 2003.

6/25/03, CONTINUED.

Heard in committee. Speakers: Steve Kawa, Mayor's Office; Clare Murphy, Retirement Department; Antoinette Cavillary.

7/2/03 Recommended as a committee report.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030857 [Charter Amendment - Retirement Benefits for District Attorneys, Public Defenders and Public Defender Investigators]**Supervisor Gonzalez**

Charter amendment (Second Draft) to add Appendix A8.583 relating to retirement benefits for attorneys in the District Attorney's and Public Defender's offices and Public Defender Investigators.

6/18/03 Amendment of the whole bearing same title.

5/13/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/12/2003.

6/18/03, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in committee. Speakers: John Dwyer; Dan Maguire, Deputy City Attorney.

6/18/03 Amendment of the whole bearing same title. Continued to June 25, 2003.

6/18/03, CONTINUED AS AMENDED.

6/25/03, CONTINUED. Heard in committee. Speakers: None.

Continued to July 2, 2003.

Heard in committee. Speakers: Ted Lakey, Deputy City Attorney; Jim Andrews; Mike Farrah, Aide to Supervisor Newsom.

7/2/03 Recommended as a committee report "Without recommendation."

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030632 [Ballot Measures Submitted by the Board of Supervisors, Four or More of its Members, or the Mayor]

Charter amendment (Third Draft) to amend 2.113 and 3.100 to provide that any proposed ordinance or declaration of policy submitted to the Director of Elections by the Board of Supervisors, by four or more of its members, or by the Mayor, must be submitted to the Board of Supervisors no later than 45 days before the deadline for submission of the measure to the Director of Elections, and to require that the Board of Supervisors hold a hearing on the proposed ordinance or declaration of policy and on any amendment thereto no later than 30 days before the deadline for submission of the measure to the Director of Elections, provided that failure of the Board of Supervisors to hold a hearing on a measure submitted by less than the full Board of Supervisors or by the Mayor shall not preclude submission of the measure to the voters.

(No fiscal impact.)

4/15/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 5/15/2003.

5/13/03, SUBSTITUTED. Supervisor Newsom submitted a substitute Charter amendment bearing new title.

5/13/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/12/2003.

6/11/03, CONTINUED. Heard in committee. Speakers: Mike Farrah, Aide to Supervisor Newsom; Jim Andrew. Spur: Ted Lakey, Deputy City Attorney; Sylvia Johnson.

Continued to the June 18, 2003 meeting.

6/18/03, CONTINUED. Heard in committee. Speakers: Supervisor Newsom; Jim Chappell, President. SPUR. Ted Lakey, Deputy City Attorney.

Continued to June 25, 2003.

6/25/03, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in committee. Speakers: Mike Farrah, Aide to Supervisor Newsom; Ted Lakey, Deputy City Attorney.

6/25/03 Amendment of the whole bearing new title.

Continued to July 2, 2003.

6/25/03, CONTINUED.

Heard in committee. Speakers: Ted Lakey, Deputy City Attorney; Dennis Cashman; Clare Murphy, Retirement Department; Richard Rothman; Dan Maguire, Deputy City Attorney; Antoinette Cavillary.

7/2/03 Recommended as a committee report "Do not submit".

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

ADJOURNMENT

The meeting adjourned at 10:17 a.m.



City and County of San Francisco

Meeting Minutes

Rules Committee

Members: Tony Hall, Bevan Dufty and Matt Gonzalez

Clerk: Deborah Muccino

City Hall
1 Dr. Carlton B.
Goodlett Place
San Francisco, CA
94102-4689

Thursday, July 03, 2003

9:30 AM

Legislative Chambers

Special Meeting

Members Present: Tony Hall, Bevan Dufty, Matt Gonzalez.

MEETING CONVENED

DOCUMENTS DEPT.

JUL - 7 2003

SAN FRANCISCO
PUBLIC LIBRARY

The meeting convened at 9:43 a.m.

030681 [Charter Amendment-Ethics provisions to move various provisions into ordinances, to enact new provisions, to make technical changes, and to clarify ambiguities in existing provisions]

Supervisor Ammiano

Charter amendment (Fourth Draft) to amend Sections 4.108, 4.109, 15.100, 15.103, 15.105, 16.118 and Article XVII, deleting Sections 15.104, 15.106, 15.108, C8.105 and adding Section 18.115 and Appendix Sections C9.101, C9.102, C9.103, C9.104, C9.105, C9.106, C9.107, C9.108, C9.109, C9.110, C9.111, C9.112, C9.113, C9.114, C9.115, C9.116, C9.117, C9.118, C9.119, C9.120, C9.121, C9.122, C9.123, C9.124, C9.125, C9.126 and C9.127 to enact new conflict of interest provisions, to make technical changes, to move various provisions into ordinances, and to clarify existing provisions.

4/22/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee. expires on 5/22/2003.

5/13/03, SUBSTITUTED. Supervisor Ammiano submitted a substitute bearing new title.

5/13/03, ASSIGNED UNDER 30 DAY RULE.

6/19/03, AMENDED. AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in committee. Speakers: Ginny Vida, Ethics Commission; Nancy Chin; Winchell Hayward; Ted Lakey, Deputy City Attorney.

6/19/03 Amendment of the whole bearing new title.

6/19/03, DIVIDED. File 030681 was amended (into a third draft) then divided. This amendment was then continued to June 26, 2003. The divided portion was created anew as File 031147 (as a first draft).

6/19/03, CONTINUED AS DIVIDED.

6/26/03, AMENDED. AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in committee. Speakers: Supervisor Ammiano; Ginny Vida, Ethics Commission; Ted Lakey, Deputy City Attorney; Karin Carlson, Mayor's Office; Chad Jacobs, Deputy City Attorney; Bob Planthold, Ethics Commission; Michael Garcia, Ethics Commission; Mabel Eng, Ethics Commission; Nancy Chin; Chris O'Ryan, Female Speaker; Mark Soloman; Sylvia Johnson; Herb Meiberger, Mike McMann.

6/26/03 Amendment of the whole bearing same title.

Continued to July 3, 2003.

6/26/03, CONTINUED.

Heard in committee. Speakers: Ginny Vida, Ethics Commission; Dale Butler; Chris O'Ryan; Ron Dicks; Dwayne Reno; Virginia Barker; Chad Jacobs, Deputy City Attorney.

7/3/03 Recommended as a Committee Report.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030853 [Charter Amendment - Board of Supervisors Proceedings]**Supervisor Gonzalez**

Charter amendment (Third Draft) to amend Sections 2.103, 2.104, and Article XVII, and by adding Section 4.101-1 to modify the provisions governing the proceedings of the Board of Supervisors by tolling deadlines for action by the Board when the Board is in recess, by reducing the number of votes required at the Board of Supervisors for various actions when one or more Board members are disqualified from voting on a matter because of a conflict of interest, and by limiting hold-over appointments to 60 days.

5/13/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/12/2003.

6/19/03, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in committee. Speakers: None.

6/19/03 Amendment of the whole bearing new title.

Continued to June 26, 2003.

6/19/03, CONTINUED.

6/26/03, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in committee. Speakers: None.

6/26/03 Amendment of the whole bearing new title.

Continued to July 3, 2003.

6/26/03, CONTINUED.

Heard in committee. Speakers: Tom Owen, Deputy City Attorney.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

ADJOURNMENT

The meeting adjourned at 10:39 a.m.



City and County of San Francisco

Meeting Minutes Rules Committee

Members: Tony Hall, Bevan Dufty and Matt Gonzalez

Clerk: Deborah Muccino

City Hall
1 Dr. Carlton B.
Goodlett Place
San Francisco, CA
94102-4689

Monday, July 07, 2003

9:30 AM

Legislative Chambers

Special Meeting

Members Present: Tony Hall, Bevan Dufty, Matt Gonzalez.

MEETING CONVENED

DOCUMENTS DEPT.

JUL - 8 2003

SAN FRANCISCO
PUBLIC LIBRARY

The meeting convened at 9:46 a.m.

030812 [Charter Amendment - Designating the Controller as City Services Auditor]

Supervisors McGoldrick, Peskin, Ma, Dufty

Charter amendment (Fifth Draft) to amend Section 3.105 and to add Appendix F to designate the Controller as the City Services Auditor, establish duties for that function, and set aside two-tenths of one percent of the City's annual budget for a Controller's Audit Fund.

(Fiscal impact.)

5/20/03, SUBSTITUTED. Supervisor McGoldrick submitted a substitute Charter amendment bearing new title

5/20/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/19/2003.

6/3/03, SUBSTITUTED. Supervisor McGoldrick submitted a substitute Charter Amendment (Third Draft) bearing new title.

6/3/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/6/2003.

6/3/03, ASSIGNED to Rules Committee.

6/23/03, AMENDED. AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in committee. Speakers: Supervisor Peskin; Tom Owen, Deputy City Attorney; Ginny Vida, Ethics Commission. Bob Planthold, Ethics Commission; Ed Harrington, Controller, Ted Lakey, Deputy City Attorney.

6/23/03 Amendment of the whole bearing new title

Continued to June 30, 2003.

6/23/03, CONTINUED.

6/30/03, AMENDED. AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in committee. Speakers: Nia Crowder;

Supervisor McGoldrick; Ed Harrington, Controller; John Bardis.

6/30/03 Amendment of the whole bearing same title.

Supervisors Ma and Dufty requested to be added as co-sponsors.

Continued to July 7, 2003.

6/30/03, CONTINUED

Heard in committee. Speakers: Jerry Threet, Aide to Supervisor McGoldrick; John Bardis; Ted Lakey, Deputy City Attorney; Ed Harrington.

7/7/03 Recommended as a committee report.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

ADJOURNMENT

The meeting adjourned at 10:10 a.m.



City and County of San Francisco

Meeting Minutes

Rules Committee

Members: Tony Hall, Bevan Dufty and Matt Gonzalez

Clerk: Deborah Muccino

City Hall
1 Dr. Carlton B.
Goodlett Place
San Francisco, CA
94102-4689

Wednesday, July 09, 2003

9:30 AM

City Hall, Room 263

Regular Meeting

Members Present: Tony Hall, Bevan Dufty, Matt Gonzalez.

MEETING CONVENED

DOCUMENTS DEPT.

JUL 11 2003

SAN FRANCISCO
PUBLIC LIBRARY

The meeting convened at 9:46 a.m.

031185 [Appointment]

Hearing to consider appointing two members to the Ballot Simplification Committee.

2 seats being considered

Vacant seat, succeeding John Odell, term expired, seat 1, must represent the National Academy of Television Arts and Sciences. Northern California Chapter or the Northern California Broadcasters Association for the unexpired portion of a two year term ending November 30, 2004.

Vacant seat, succeeding Allyson Washburn, term expired, seat 3, must represent the League of Women Voters for the unexpired portion of a two year term ending November 30, 2004.

7/1/03. RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Phyllis Smith. Appointment of Phyllis Smith, seat 3, recommended. Seat 1 unfilled.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Phyllis Smith, term ending November 30, 2004, to the Ballot Simplification Committee.

Phyllis Smith, succeeding Allyson Washburn, term expired, seat 3, must represent the League of Women Voters for the unexpired portion of a two year term ending November 30, 2004.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

031153 [Establishing a Construction Risk Management Committee]**Supervisor Dufty**

Ordinance establishing a Construction Risk Management Committee to authorize and monitor the performance of City's OCIPs.

[No fiscal impact.]

6/24/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Errol Fitzpatrick, Risk Manager; Monique Zmuda, Controller, John Bardis. 7/9/03 Amended on page 1, line 23, after "shall consist of" insert "6 members. One"; after "member" insert "shall be"; after "appointed by" insert "the Department Head of each of the five"; and on page 1, line 24, after "departments" delete "including" and insert "listed below. The sixth member shall be appointed by the chair of the Finance Committee of the Board of Supervisors, or its successor committee." On page 2, line 5, after "respective" delete "Department Heads" and insert "appointing officer".

AMENDED.

Ordinance establishing a Construction Risk Management Committee to authorize and monitor the performance of City's OCIPs.

[No fiscal impact.]

RECOMMENDED AS AMENDED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

031114 [Amending Rule 4.29 of the Rules of Order]**Supervisor Gonzalez**

Motion amending Rule 4.29 of the Rules of Order of the Board of Supervisors to provide that public hearings on appeals shall be scheduled at 4 p.m. rather than 3 p.m., and providing a system for scheduling these appeals when more than one appears on a Board calendar.

(No fiscal impact.)

6/17/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Gloria Young, Clerk of the Board; Ted Lakey, Deputy City Attorney; John Bardis.

7/9/03 Amended on page 1, line 14, after "Clerk of the Board" delete "and" and insert "in consultation with"; after "President" delete "are" and insert "is".

AMENDED.

RECOMMENDED AS AMENDED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

Conference with City Attorney

(Convene in Closed Session)

Motion that the Rules Committee of the Board of Supervisors convene in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) and Administrative Code Section 67.8 (3), for the purpose of conferring with, or receiving advice from, the City Attorney regarding proposed settlements in the lawsuits or claims listed below.

Unanimous vote to convene in closed session by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030955 [Settlement of Lawsuit - Armenta, et al., v. James Jones Co., et al.]

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against the James Jones Company, Mueller Co., Tyco International and Watts Industries, for a payment to the City in the amount of \$2,890,908; the lawsuit was filed on June 26, 1997 in Los Angeles County Superior Court, Case No. BC 173-487; entitled Los Angeles Department of Water and Power ex rel Armenta, et al., v. James Jones Co., et al. (City Attorney)

(No Public Benefit Recipient.)

6/5/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Ted Lakey, Deputy City Attorney.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

031078 [Settlement of Lawsuit - John Darmanin]

Ordinance authorizing settlement of the lawsuits filed by John Darmanin against the City and County of San Francisco for \$80,000; the lawsuits were filed on February 19, 1999 (H-19 Reinstatement) and February 5, 2003 (Enforcement of Judgment), in the San Francisco Superior Court, Case Nos. 301-118 and 502-410; entitled John Darmanin, et al. v. City and County of San Francisco, et al., and San Francisco Fire Fighters Local 798, et al. v. Demmons, et al. (City Attorney)

(Public Benefit Recipient.)

6/12/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Ted Lakey, Deputy City Attorney.

Continued to July 23, 2003.

CONTINUED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

031079 [Settlement of Lawsuit - John Darmanin]

Ordinance authorizing settlement of the lawsuit filed by John Darmanin against the City and County of San Francisco for \$105,000; the lawsuit was filed on December 29, 1997, in the United States District Court, Northern District of California, Case No. C 97-4703; entitled John Darmanin, et al., v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

6/12/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Ted Lakey, Deputy City Attorney.

Continued to July 23, 2003.

CONTINUED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

031080 [Settlement of Lawsuit - S.F. Baykeeper, et al. v. CCSF. et al.]

Ordinance authorizing settlement of attorney's fees and costs in the lawsuit filed by Waterkeepers Northern California dba San Francisco Baykeeper, Arc Ecology, and the San Francisco League of Conservation Voters against the City and County of San Francisco, and John L. Martin, Paul Maltzer and Kandace Bender in their official capacities, for \$145,000.00 in attorney's fees and \$4,298.13 in costs; the lawsuit was filed on August 8, 2002 in San Francisco Superior Court, Case No. 501511; entitled Waterkeepers Northern California, et al., v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

6/10/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Ted Lakey, Deputy City Attorney.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Duffy, Gonzalez

031081 [Settlement of Lawsuit - Mesha Irizarry]

Ordinance authorizing settlement of the lawsuit filed by Mesha Irizarry against the City and County of San Francisco for \$500,000; the lawsuit was filed on January 30, 2002 in the United States District Court, Case No. C02-0534 SBA; entitled Mesha Irizarry, et al., v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

6/11/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Ted Lakey, Deputy City Attorney.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Duffy, Gonzalez

Report on Closed Session

Deputy City Attorney Ted Lakey reported that the Rules Committee has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) and Administrative Code Section 67.8 (3), for the purpose of conferring with, or receiving advice from, the City Attorney regarding settlements in the lawsuits or claims listed above.

[Elect Not to Disclose]

Motion that the Committee finds that it is in the best interest of the public that the Committee elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.

Unanimous vote not to disclose discussion to public by the following vote:

Ayes: 3 - Hall, Duffy, Gonzalez

ADJOURNMENT

The meeting adjourned at 12:01 p.m.

84
10?
celled

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

Meeting Agenda

NOTICE OF CANCELLED MEETING

RULES COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

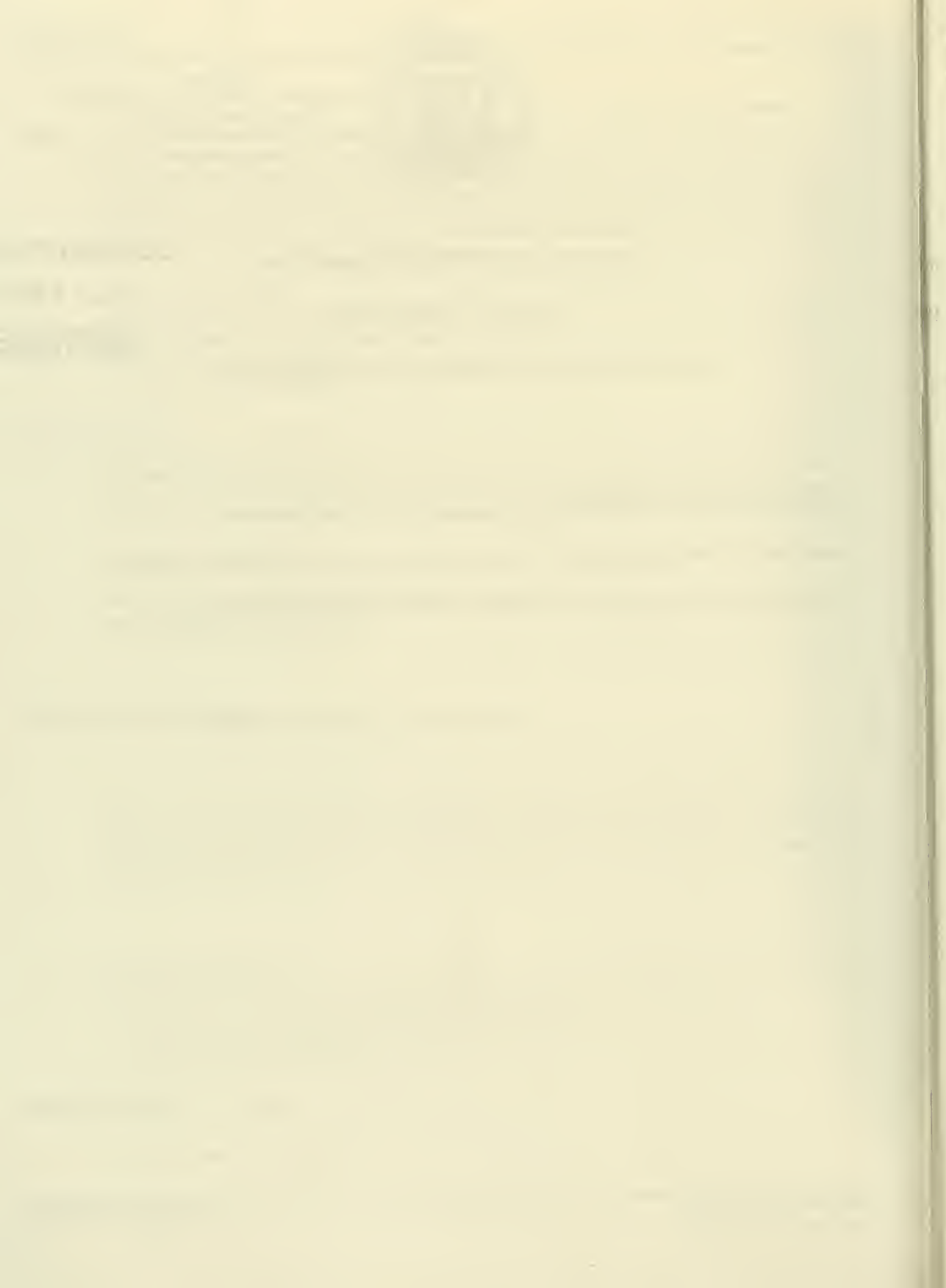
DOCUMENTS DEPT.

JUL - 9 2003

SAN FRANCISCO
PUBLIC LIBRARY

NOTICE IS HEREBY GIVEN that the meeting of the Rules Committee
scheduled for Wednesday, July 16, 2003 at 9:30 a.m., at 1 Dr. Carlton B. Goodlett
Place, Room 263, City Hall, San Francisco, California, has been **cancelled**.

Gloria L. Young, Clerk of the Board





City and County of San Francisco

Meeting Minutes

Rules Committee

Members: Tony Hall, Bevan Dufty and Matt Gonzalez

Clerk: Deborah Muccino

City Hall
1 Dr. Carlton B.
Goodlett Place
San Francisco, CA
94102-4689

Wednesday, July 23, 2003

9:30 AM

City Hall, Room 263

Regular Meeting

Members Present: Tony Hall, Bevan Dufty, Matt Gonzalez.

DOCUMENTS DEPT.

JUL 25 2003

SAN FRANCISCO
PUBLIC LIBRARY

MEETING CONVENED

The meeting convened at 9:39 a.m.

031084 [Appointment]

Hearing to consider appointing one member to the Adult Day Health Care Planning Council.

1 seat being considered

Vacant seat, succeeding Walter DeVaughn, term expired, seat 1, must be a person over 55 years of age who has a demonstrated interest in the special health and social needs of the elderly and who is representative of organizations dedicated primarily to the needs of older persons, including those of low income and racial and ethnic minorities, for a three year term ending September 30, 2005.

6/9/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Walter DeVaughn. Appointment of Walter DeVaughn, seat 1, recommended.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Walter DeVaughn, term ending September 30, 2005 to the Adult Day Health Care Planning Council.

Walter DeVaughn, succeeding himself, term expired, seat 1, must be a person over 55 years of age who has a demonstrated interest in the special health and social needs of the elderly and who is representative of organizations dedicated primarily to the needs of older persons, including those of low income and racial and ethnic minorities, for a three year term ending September 30, 2005.

RECOMMENDED.. by the following vote:

Ayes: 2 - Hall, Dufty
Absent: 1 - Gonzalez

031190 [Appointment]

Hearing to consider appointing one member to the Commission on Aging Advisory Council.

1 seat being considered

Vacant seat, succeeding Reeva Olsen, resigned, seat 3, must be a nominee of Supervisor Maxwell for the unexpired portion of a two-year term ending March 31, 2004.

7/3/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: None. Appointment of Marylouise Lovett, seat 3, recommended.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Marylouise Lovett, term ending March 31, 2004 to the Commission on Aging Advisory Council.

Marylouise Lovett, succeeding Reeva Olsen, resigned, seat 3, must be a nominee of Supervisor Maxwell for the unexpired portion of a two-year term ending March 31, 2004.

RECOMMENDED.. by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 1 - Gonzalez

031231 [Appointment]

Hearing to consider appointing one member to the Delinquency Prevention Commission.

1 seat being considered

Vacant seat, succeeding Enola Maxwell, deceased, seat 10, must be nominated by District 10 Supervisor for the unexpired portion of a 4-year term ending September 4, 2006.

7/11/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Toye Moses; Ellouise Patton. Appointment of Ellouise Patton, seat 10, recommended.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Ellouise Patton, term ending September 4, 2006 to the Delinquency Prevention Commission.

Ellouise Patton, succeeding Enola Maxwell, deceased, seat 10, must be nominated by District 10 Supervisor for the unexpired portion of a 4-year term ending September 4, 2006.

RECOMMENDED.. by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 1 - Gonzalez

031199 [Reappointment of Sunil Daluvoy to the Telecommunications Commission]

Mayor

Resolution confirming the reappointment of Sunil Daluvoy to the Telecommunications Commission, term ending July 1, 2006. (Mayor)

7/8/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Sunil Daluvoy.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

031200 [Reappointment of Kimberlee Bogen to the Telecommunications Commission]

Mayor

Resolution confirming the reappointment of Kimberlee Bogen to the Telecommunications Commission, term ending July 1, 2006. (Mayor)

7/8/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Louis Luvin; Kimberlee Bogen.

RECOMMENDED.. by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 1 - Gonzalez

031055 [Minimum WageTask Force]**Supervisors Dufty, Ma, Newsom**

Resolution establishing an advisory task force to evaluate the impact and benefits of establishing a San Francisco minimum wage on San Francisco's economy, businesses, and residents and setting forth the membership and duties of the task force.

6/10/03, RECEIVED AND ASSIGNED to Rules Committee.

6/30/03, CONTINUED. Heard in committee. Speakers: Patricia Breslin; Kevin Westly; Tom Creedon; Marianne Costello; Lorie Regis; Kathleen Harrington; Mike Casey; Gwynth Borden; Anthony Faber; Willie Radcliff; Jo Lynn Lockly. Continued to the July 23, 2003 meeting.

Heard in committee. Speakers: Steve Cockrell.

TABLED by the following vote:

Ayes: 2 - Hall, Dufty
Absent: 1 - Gonzalez

030483 [Recognition of marriages, domestic partnerships and civil unions]**Supervisors Daly, Dufty**

Ordinance amending Chapter 62 of the Administrative Code by adding Section 62.10 to extend recognition of domestic partnerships, civil unions, and other similar legal relationships to persons who lawfully enter into these agreements in other jurisdictions.

3/25/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Bill Barnes, aide to Supervisor Daly. Supervisor Dufty requested to be added as a co-sponsor.

RECOMMENDED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

031205 [Juvenile Justice Advisory Committee]**Supervisor Gonzalez**

Hearing requesting for the Juvenile Advisory Committee to present their findings.

7/8/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: N'Tanya Lee; Bill Johnston; Gabe Cabrera; Riva Enteen; Whitney Leigh; Dan Mackalar, Keith Chow; Bruce Fisher. Male Speaker.

FILED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

LITIGATION

Conference with City Attorney

(Convene in Closed Session)

Motion that the Rules Committee of the Board of Supervisors convene in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) and Administrative Code Section 67.8 (3), for the purpose of conferring with, or receiving advice from, the City Attorney regarding proposed settlements in the lawsuits or claims listed below.

Unanimous vote to convene in closed session by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

031078 [Settlement of Lawsuit - John Darmanin]

Ordinance authorizing settlement of the lawsuits filed by John Darmanin against the City and County of San Francisco for \$80,000; the lawsuits were filed on February 19, 1999 (H-19 Reinstatement) and February 5, 2003 (Enforcement of Judgment), in the San Francisco Superior Court, Case Nos. 301-118 and 502-410; entitled John Darmanin, et al. v. City and County of San Francisco, et al., and San Francisco Fire Fighters Local 798, et al. v. Demmons, et al. (City Attorney)

(Public Benefit Recipient.)

6/12/03, RECEIVED AND ASSIGNED to Rules Committee.

7/9/03, CONTINUED. Heard in committee. Speakers: Ted Lakey, Deputy City Attorney.

Continued to July 23, 2003.

Heard in committee. Speakers: Ted Lakey, Deputy City Attorney, Joe Asaro, Deputy Chief, Fire Department; Terence Howzell, Deputy City Attorney.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

031079 [Settlement of Lawsuit - John Darmanin]

Ordinance authorizing settlement of the lawsuit filed by John Darmanin against the City and County of San Francisco for \$105,000; the lawsuit was filed on December 29, 1997, in the United States District Court, Northern District of California, Case No. C 97-4703; entitled John Darmanin, et al., v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

6/12/03, RECEIVED AND ASSIGNED to Rules Committee.

7/9/03, CONTINUED. Heard in committee. Speakers: Ted Lakey, Deputy City Attorney.

Continued to July 23, 2003.

Heard in committee. Speakers: Ted Lakey, Deputy City Attorney, Joe Asaro, Deputy Chief, Fire Department; Terence Howzell, Deputy City Attorney.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

031177 [Settlement of Lawsuit - John Eiler]

Ordinance authorizing settlement of the lawsuit filed by John Eiler against the City and County of San Francisco for \$300,000; the lawsuit was filed on March 15, 2002 in San Francisco Superior Court, Case No. 02-405687; entitled John Eiler, et al., v. James Strain, City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

7/3/03, RECEIVED AND ASSIGNED to Rules Committee

Heard in committee. Speakers: Ted Lakey, Deputy City Attorney.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Duffy, Gonzalez

031179 [Settlement of Lawsuits - Regents of the University of California and University of California, Hastings College of the Law]

Ordinance approving the settlement of the following lawsuits: (1) Regents of the University of California v. City and County of San Francisco, San Francisco Superior Court Case No. 311005, filed March 24, 2000; (2) Regents of the University of California v. City and County of San Francisco, San Francisco Superior Court Case No. 324662, filed September 18, 2001; (3) University of California, Hastings College of the Law v. City and County of San Francisco, San Francisco Superior Court Case No. 400550, filed October 24, 2001; and (4) Regents of the University of California and University of California, Hastings College of the Law v. City and County of San Francisco, San Francisco Superior Court Case No. 414027, filed October 24, 2002. These settlements result in payment by the City in an undetermined amount not to exceed \$155,000; potential payment by the City of an additional amount to be determined; and an agreement on the maximum future water and sewer rate charges to plaintiffs for the next three fiscal years. (City Attorney)

(Public Benefit Recipient.)

7/7/03, RECEIVED AND ASSIGNED to Rules Committee

Heard in committee. Speakers: Ted Lakey, Deputy City Attorney.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Duffy, Gonzalez

Report on Closed Session

Deputy City Attorney Ted Lakey reported that the Rules Committee has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) and Administrative Code Section 67.8 (3), for the purpose of conferring with, or receiving advice from, the City Attorney regarding settlements in the lawsuits or claims listed above.

[Elect Not to Disclose]

Motion that the Committee finds that it is in the best interest of the public that the Committee elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.

Unanimous vote not to disclose discussion to the public by the following vote:

Ayes: 3 - Hall, Duffy, Gonzalez

ADJOURNMENT

The meeting adjourned at 12:15 p.m.



City and County of San Francisco

Meeting Minutes

Rules Committee

Members: Tony Hall, Bevan Dufty and Matt Gonzalez

Clerk: Deborah Muccino

City Hall
1 Dr. Carlton B.
Goodlett Place
San Francisco, CA
94102-4689

Wednesday, July 30, 2003

9:30 AM

City Hall, Room 263

Regular Meeting

Members Present: Tony Hall, Bevan Dufty, Matt Gonzalez.

MEETING CONVENED

The meeting convened at 9:47 a.m.

DOCUMENTS DEPT.

AUG - 1 2003

031024 [Appointment]

Hearing to consider appointing one member to the Mental Health Board.

SAN FRANCISCO
PUBLIC LIBRARY

1 seat being considered

Vacant seat, succeeding Richard Nazzardini, resigned, seat 15, must be a health professional, for the unexpired portion of a three year term ending January 31, 2004.

6/3/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Helynna Brooke; Rebecca Anne Turner.

Appointment of Rebecca Anne Turner, seat 15, recommended.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Rebecca Anne Turner, term ending January 31, 2004 to the Mental Health Board.

Rebecca Anne Turner, succeeding Richard Nazzardini, resigned, seat 15, must be a health professional, for the unexpired portion of a three year term ending January 31, 2004.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030606 [Appointment]

Hearing to consider appointing five members to the Asthma Task Force.

5 seats being considered

Vacant seat, succeeding Carolyn Noble, resigned, seat 9, must be a representative of a hospital association or health care provider institution and is a voting member, for the unexpired portion of a two-year term ending June 30, 2005.

Vacant seat, new position, seat 12, must be a representative of MediCal Managed Care Insurers and is a voting member, for a two year term ending June 30, 2005.

Vacant seat, succeeding Jennifer Mann, seat 20, must be a representative of the Department of Public Health and is a voting member, for the unexpired portion of a two year term ending June 30, 2005.

Vacant seat, new position, seat 21, must be an individual who represents property interests (non-voting member), for a two year term ending June 30, 2005.

Vacant seat, succeeding Michael Walter Green, resigned, seat 22, must be an individual who represents tenant interests (non-voting member), for the unexpired portion of a two year term ending June 30, 2005.

4/8/03, RECEIVED AND ASSIGNED to Rules Committee.

7/8/03, CLERICAL CORRECTION. Added seat 9, succeeding Carolyn Noble, resigned, term expires June 30, 2005

Heard in committee. Speakers: Karen Cohn.

Appointment of Karen Cohn, seat 20, recommended. Seats 9, 12, 21, and 22 unfilled.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Karen Cohn, term ending June 30, 2005 to the Asthma Task Force. Residency requirement waived.

Karen Cohn, (residency requirement waived) succeeding Jennifer Mann, seat 20, must be a representative of the Department of Public Health and is a voting member, for the unexpired portion of a two year term ending June 30, 2005.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

030750 [Appointment]

Hearing to consider appointing sixteen members to the Biosciences Task Force.

16 seats being considered

Vacant seat, new position, seat 1, must be from a business association for a term to be determined.

Vacant seat, new position, seat 2, have expertise in the bioscience industry for a term to be determined.

Vacant seat, new position, seat 3, must be from a bioscience company for a term to be determined.

Vacant seat, new position, seat 4, must be from an urban planning association for a term to be determined.

Vacant seat, new position, seat 5, must be from an educational institution with expertise in the biosciences and bioscience industry for a term to be determined.

Vacant seat, new position, seat 6, must be from an organized labor entity that represents employees of bioscience companies or research institutions for a term to be determined.

Vacant seat, new position, seat 7, must be from a private real estate firm that represents companies seeking bioscience space in the Bay Area for a term to be determined.

Vacant seat, new position, seat 8, must be from an organization that specializes in job training and placement for a term to be determined.

Vacant seat, new position, seat 9, must represent a neighborhood organization in the Mission for a term to be determined.

Vacant seat, new position, seat 10, must represent a neighborhood organization from the South of Market for a term to be determined.

Vacant seat, new position, seat 11, must represent a neighborhood organization from Potrero Hill/Dogpatch for a term to be determined.

Vacant seat, new position, seat 12, must represent a neighborhood organization in Bayview Hunters Point for a term to be determined.

Vacant seat, new position, seat 13, must represent a neighborhood organization in Visitacion Valley/Little Hollywood for a term to be determined.

Vacant seat, new position, seat 14, must represent a neighborhood organization in the City and County of San Francisco for a term to be determined.

Vacant seat, new position, seat 15, must represent a neighborhood organization in the City and County of San Francisco for a term to be determined.

Vacant seat, new position, seat 16, must represent a neighborhood organization in the City and County of San Francisco for a term to be determined.

4/29/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Supervisor Sophie Maxwell; Dr. Mike Le; Madison Kilpatrick; L. Michael Costa; Scott Williams; Kenneth Paul Kahrs; David Herron; Janice Bolaffi; James Chappell; Richard Morten; Kirian Flaherty; Reed Benet; Theresa Feely; Corinne Woods; Joe Raguso; Peter Cohen.

Appointment of Madison Kilpatrick, seat 1; Scott Williams, seat 2; L. Michael Costas, seat 3; Richard Morten, seat 4; Lori Yamauchi, seat 5; Reed Benet, seat 7; Theresa Feely, seat 8; Joe Raguso, seat 10; Dr. Mike Le, seat 11; Karen Pierce, seat 12; Janice Bolaffi, seat 14; Peter Cohen, seat 15 and Corinne Woods, seat 16 recommended. Seats 6, 9, and 13 unfilled.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Madison Kilpatrick, Scott Williams, L. Michael Costas, Richard Morten, Lori Yamauchi, Reed Benet, Theresa Feely, Joe Raguso, Dr. Mike Le, Karen Pierce, Janice Bolaffi, Peter Cohen, and Corinne Woods, terms to be determined, to the Biosciences Task Force.

Madison Kilpatrick, new position, seat 1, must be from a business association for a term to be determined.
 Scott Williams, new position, seat 2, have expertise in the bioscience industry for a term to be determined.
 L. Michael Costas, new position, seat 3, must be from a bioscience company for a term to be determined.
 Richard Morten, new position, seat 4, must be from an urban planning association for a term to be determined.
 Lori Yamauchi, new position, seat 5, must be from an educational institution with expertise in the biosciences and bioscience industry for a term to be determined.

Reed Benet, new position, seat 7, must be from a private real estate firm that represents companies seeking bioscience space in the Bay Area for a term to be determined.

Theresa Feely, new position, seat 8, must be from an organization that specializes in job training and placement for a term to be determined.

Joe Raguso, new position, seat 10, must represent a neighborhood organization from the South of Market for a term to be determined.

Dr. Mike Le, new position, seat 11, must represent a neighborhood organization from Potrero Hill/Dogpatch for a term to be determined.

Karen Pierce, new position, seat 12, must represent a neighborhood organization in Bayview Hunters Point for a term to be determined.

Janice Bolaffi, new position, seat 14, must represent a neighborhood organization in the City and County of San Francisco for a term to be determined.

Peter Cohen, new position, seat 15, must represent a neighborhood organization in the City and County of San Francisco for a term to be determined.

Corinne Woods, new position, seat 16, must represent a neighborhood organization in the City and County of San Francisco for a term to be determined.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

021951 [Establishing Multi-disciplinary Task Force on Childhood Nutrition]

Supervisors Maxwell, Dufty, Hall

Resolution establishing a multi-disciplinary task force on childhood nutrition and physical activity.

11/26/02, RECEIVED AND ASSIGNED to Rules and Audits Committee.

1/23/03, REFERRED TO DEPARTMENT. Referred to Youth Commission.

2/7/03, TRANSFERRED to Rules Committee. New committee structure 2/17/03.

2/10/03, RESPONSE RECEIVED.

3/26/03, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in committee. Speakers: Supervisor Maxwell; Ron McCan, Youth Commission; Ted Lakey, Deputy City Attorney; Dexter Louie; Adam Gierlach; Mike Constable; Jennifer Portnick; Deb Burgard; Laurie Edison; Dr. Stephanie Zone; Anahid Kassabian; Larry Brinkin; Lisa Tealer; Margarita Rossi; Frances White; Marilyn Wann; Tish Parmeley; Pat Lyons; Jessica Wolin; Sondra Solivay; Cheryl Swanson; Nita Hines; Mary Beth Wallace, Executive Board, Coleman Advocates for Children and Youth; Mary Beth Goldstein, Parents for Public Schools; Francisco Da Costa; Sylvia Johnson.

3/26/03 Amendment of the whole bearing new title.

3/26/03, CONTINUED TO CALL OF THE CHAIR.

Heard in committee. Speakers: Supervisor Sophie Maxwell; Mitchell Katz, Director of Public Health; Female Speaker; Pat Lyons; Dr. Judith Linzer; Dr. Amy Kostishack; Dr. Elisa Song; Marybeth Wallace; Toby Mueller-Medicott; Jessica Wolin; Ted Lakey, Deputy City Attorney.

7/30/03 Amendment of the whole bearing same title further amended; on page 3, line 12, after "organization" delete "on size issues" and insert "addressing weight/size discrimination"; on page 3, line 13, delete "a medical accessibility organization" and insert "an organization specializing in weight-related medical care access issues".

Supervisors Hall and Dufty requested to be added as co-sponsors.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

RECOMMENDED AS AMENDED by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 1 - Gonzalez

031206 [Community Land Trust Task Force]**Supervisor Gonzalez**

Hearing to allow members of Community Land Trust Task Force, members of the San Francisco Community Land Trust Collaborative and other interested parties to present information on the community land trust model as a potential addition to the City's affordable housing strategy.

7/8/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Peter Doty; Fernando Markham; James Tracy; Amy Cohen; Roger Clay; Rick Lewis; Tom Wetzel; Mark Solomon; Peter Cohen; Scott Bart; Tim Huet; David Geeson; Tess Wellbourne; Carol Harvey; Marilyn Armini.

FILED by the following vote:

Ayes: 2 - Dufty, Gonzalez

Absent: 1 - Hall

ADJOURNMENT

The meeting adjourned at 1:01 p.m.



City and County of San Francisco

Meeting Minutes

Rules Committee

Members: Tony Hall, Bevan Dufty and Matt Gonzalez

Clerk: Deborah Muccino

City Hall
1 Dr Carlton B
Goodlett Place
San Francisco, CA
94102-4689

Wednesday, August 06, 2003

9:30 AM

City Hall, Room 263

Special Meeting

Members Present: Tony Hall, Bevan Dufty, Matt Gonzalez.

MEETING CONVENED

The meeting convened at 9:46 a.m.

031341 [Appointment]

Hearing to consider appointing one member to the Asthma Task Force.

1 Seat Being Considered

Vacant seat, succeeding Carolyn Noble, resigned, seat 9, must be a representative of a hospital association or health care provider institution and is a voting member, for the unexpired portion of a two-year term ending June 30, 2005.

7/29/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Kathy Perry. Appointment of Kathy Perry, seat 9, recommended.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Kathy Perry, term ending June 30, 2005, to the Asthma Task Force.

Kathy Perry, succeeding Carolyn Noble, resigned, seat 9, must be a representative of a hospital association or health care provider institution and is a voting member, for the unexpired portion of a two-year term ending June 30, 2005.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

DOCUMENTS DEPT.

AUG 06 2003

SAN FRANCISCO
PUBLIC LIBRARY

031343 [Appointment]

Hearing to consider appointing four members to the Assessment Appeals Board No. 1.

4 seats being considered

Vacant seat, succeeding Alec Lambie, term expired, seat 2, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: a person shall not be eligible for nomination for membership on an assessment appeals board unless he or she has a minimum of five years' professional experience in this state as one of the following: certified public accountant or public accountant, licensed real estate broker, attorney, or property appraiser accredited by a nationally recognized professional organization; for a three year term ending September 4, 2006.

Vacant seat, succeeding Frank Mahoney, III, term expired, seat 5, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: a person shall not be eligible for nomination for membership on an assessment appeals board unless he or she has a minimum of five years' professional experience in this state as one of the following: certified public accountant or public accountant, licensed real estate broker, attorney, or property appraiser accredited by a nationally recognized professional organization; for a three year term ending September 4, 2006.

Vacant seat, succeeding Hayes Miles, term expired, seat 6, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code. ALTERNATE/HEARING OFFICER for a three year term ending September 4, 2006.

Vacant seat, succeeding Donald Kavanagh, term expired, seat 8, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code. ALTERNATE/HEARING OFFICER for a three year term ending September 4, 2006.

7/29/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Dawn Duran, Administrator, Assessment Appeals Board; Alec Lambie; Hayes Miles; Donald Kavanagh; Gordon Huseby; David Wilbur; Richard Lee. Appointment of Alec Lambie, seat 2, Gordon Huseby, seat 5, Hayes Miles, seat 6 and David Wilbur, seat 8 recommended.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Alec Lambie, Gordon Huseby, Hayes Miles and David Wilbur terms ending September 4, 2006 to the Assessment Appeals Board No. 1.

Alec Lambie, succeeding himself, term expired, seat 2, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: a person shall not be eligible for nomination for membership on an assessment appeals board unless he or she has a minimum of five years' professional experience in this state as one of the following: certified public accountant or public accountant, licensed real estate broker, attorney, or property appraiser accredited by a nationally recognized professional organization; for a three year term ending September 4, 2006.

Gordon Huseby, succeeding Frank Mahoney, III, term expired, seat 5, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code as follows: a person shall not be eligible for nomination for membership on an assessment appeals board unless he or she has a minimum of five years' professional experience in this state as one of the following: certified public accountant or public accountant, licensed real estate broker, attorney, or property appraiser accredited by a nationally recognized professional organization; for a three year term ending September 4, 2006.

Hayes Miles, succeeding himself, term expired, seat 6, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code. ALTERNATE/HEARING OFFICER for a three year term ending September 4, 2006.

David Wilbur, succeeding Donald Kavanagh, term expired, seat 8, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code. ALTERNATE/HEARING OFFICER for a three year term ending September 4, 2006.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

031346 [Appointment]

Hearing to consider appointing four members to the Assessment Appeals Board No. 2.

4 seats being considered

Vacant seat, succeeding Adrienne Lacau, term expired, seat 1, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code for a three year term ending September 4, 2006.

Vacant seat, succeeding John McGary, term expired, seat 5, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code for a three year term ending September 4, 2006.

Vacant seat, succeeding Donna Crowder, term expired, seat 6, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code; ALTERNATE/HEARING OFFICER for a three year term ending September 4, 2006.

Vacant seat, succeeding Steven Cox, term expired, seat 7, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code; ALTERNATE/HEARING OFFICER for a three year term ending September 4, 2006.

7/29/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: John McGary; Donna Crowder; Ted Lakey, Deputy City Attorney; Margaret Ruxton; James Hayden. Appointment of Adrienne Lacau, seat 1, John McGary, seat 5, Donna Crowder, seat 6 and Richard Lee, seat 7 recommended.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Adrienne Lacau, John McGary, Donna Crowder and Richard Lee, terms expiring September 4, 2006 to the Assessment Appeals Board No. 2.

Adrienne Lacau, succeeding herself, term expired, seat 1, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code for a three year term ending September 4, 2006.

John McGary, succeeding himself, term expired, seat 5, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code for a three year term ending September 4, 2006.

Donna Crowder, succeeding herself, term expired, seat 6, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code; ALTERNATE/HEARING OFFICER for a three year term ending September 4, 2006.

Richard Lee, succeeding Steven Cox, term expired, seat 7, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code; ALTERNATE/HEARING OFFICER for a three year term ending September 4, 2006.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

031033 [Authorizing Chief of San Francisco Fire Department to appoint a Deputy Chief of Airport Operations] Supervisor Peskin

Ordinance amending San Francisco Administrative Code Section 2A.93 authorizing the Chief of the San Francisco Fire Department to appoint a Deputy Chief of Airport Operations.

6/3/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: David Owen aide to Supervisor Peskin; Mario Trevino, Chief, SFFD; Ken Bruce, Budget Analyst office; Monique Zmuda, Controller's office; Assistant Deputy Chief Bellzarini, SFFD; Alice Villagomez, Employee Relations.

TABLED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

ADJOURNMENT

The meeting adjourned at 12:04 p.m.



City and County of San Francisco

Meeting Minutes

Rules Committee

Members: Tony Hall, Bevan Dufty and Matt Gonzalez

Clerk: Deborah Muccino

City Hall
1 Dr Carlton B
Goodlett Place
San Francisco, CA
94102-4689

Wednesday, August 13, 2003

9:30 AM

City Hall, Room 263

Regular Meeting

Members Present: Bevan Dufty, Matt Gonzalez.

Members Absent: Tony Hall.

DOCUMENTS DEPT

MEETING CONVENED

The meeting convened at 9:38 a.m.

AUG 14 2003

SAN FRANCISCO
PUBLIC LIBRARY

031349 [Appointment]
Hearing to consider appointing 2 members to the Public Utilities Commission Rate Fairness Board.

2 seats being considered.

Vacant seat, new position, seat 1, must be a residential city retail customer, for an indefinite term.

Vacant seat, new position, seat 2, must be a small business city retail customer, for an indefinite term.

8/4/03, RECEIVED AND ASSIGNED to Rules Committee

Heard in committee. Speakers. None. Continued to August 20, 2003.

CONTINUED by the following vote:

Ayes: 2 - Dufty, Gonzalez

Absent: 1 - Hall

031047 [Appointment]

Hearing to consider appointing six members to the Immigrant Rights Commission.

6 seats being considered

Vacant seat, succeeding Medea Benjamin, term expired, seat 4, must have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for a two year term ending June 6, 2005.

Vacant seat, succeeding Emi Gusukuma, term expired, seat 6, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the Charter. In addition, members shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for a two year term ending June 6, 2005.

Vacant seat, succeeding Hugh Wang, term expired, seat 7, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the Charter. In addition, members shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for a two year term ending June 6, 2005.

Vacant seat, succeeding Phu Nguyen, term expired, seat 8, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the Charter. In addition, members shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for a two year term ending June 6, 2005.

Vacant seat, succeeding Joseph Nwadiibia, term expired, seat 10, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the Charter. In addition, members shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for a two year term ending June 6, 2005.

Vacant seat, succeeding Juan Berumen, term expired, seat 11, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the Charter. In addition, members shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for a two year term ending June 6, 2005.

6/6/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Richard Ow; Jose Ricardo Bondoc. Appointment of Richard Ow, seat 6, and Jose Ricardo Bondoc, seat 10, recommended. Seats 7, 8, 4 and 11 unfilled.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Richard Ow and Jose Ricardo Bondoc, terms ending June 6, 2005 to the Immigrant Rights Commission.

Richard Ow, succeeding Emi Gusukuma, term expired, seat 6, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the Charter. In addition, members shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for a two year term ending June 6, 2005.

Jose Ricardo Bondoc, succeeding Joseph Nwadiibia, term expired, seat 10, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the Charter. In addition, members shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for a two year term ending June 6, 2005.

RECOMMENDED.. by the following vote:

Ayes: 2 - Duffy, Gonzalez

Absent: 1 - Hall

031141 [2002-03 Civil Grand Jury Report - Department of Elections]

Hearing on the recommendation of the 2002-2003 San Francisco Civil Grand Jury regarding Department of Elections and the conduct of the November 2002 elections. (Clerk of the Board)

6/26/03, RECEIVED AND ASSIGNED to Rules Committee. Response to recommendation no later than Monday, August 26, 2003, pursuant to California Penal Code Section 933.

Heard in committee. Speakers: John Arntz, Director, Department of Elections, Richard Matthews, member, Civil Grand Jury, Adele Destro, Assistant Clerk of the Board.

FILED by the following vote:

Ayes: 2 - Dufty, Gonzalez

Absent: 1 - Hall

Conference with City Attorney

(Convene in Closed Session)

Motion that the Rules Committee of the Board of Supervisors convene in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) and Administrative Code Section 67.8 (3), for the purpose of conferring with, or receiving advice from, the City Attorney regarding proposed settlements in the lawsuits or claims listed below.

Unanimous vote to convene in closed session by the following vote:

Ayes: 2 - Dufty, Gonzalez

Absent: 1 - Hall

031254 [Settlement of Lawsuit - Evelyn Mata]

Ordinance authorizing settlement of the lawsuit filed by Evelyn Mata against the City and County of San Francisco, San Francisco Police Department and Nancy Brewer for \$50,000; the lawsuit was filed on August 9, 2002 in San Francisco Superior Court, Case No. C-01-411318 entitled Evelyn Mata v. City and County of San Francisco, San Francisco Police Department, Nancy Brewer, et al. (City Attorney)

(Public Benefit Recipient.)

7/21/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speaker: Ted Lakey, Deputy City Attorney.

RECOMMENDED.. by the following vote:

Ayes: 2 - Dufty, Gonzalez

Absent: 1 - Hall

031338 [Settlement of Lawsuit - Bellaire Tower Homeowners Association]

Ordinance authorizing settlement of the lawsuit filed by Bellaire Tower Homeowners Association against the City and County of San Francisco for \$83,862.34; the lawsuit was filed on December 31, 2001 in San Francisco Superior Court, Case No. 402-355; entitled Bellaire Tower Homeowners Association, et al. v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

8/4/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speaker: Ted Lakey, Deputy City Attorney.

RECOMMENDED.. by the following vote:

Ayes: 2 - Dufty, Gonzalez

Absent: 1 - Hall

Report on Closed Session

Deputy City Attorney Ted Lakey reported that the Rules Committee has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) and Administrative Code Section 67.8 (3), for the purpose of conferring with, or receiving advice from, the City Attorney regarding settlements in the lawsuits or claims listed above.

[Elect Not to Disclose]

Motion that the Committee finds that it is in the best interest of the public that the Committee elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.

Unanimous vote not to disclose discussion to the public by the following vote:

Ayes: 2 - Duffy, Gonzalez

Absent: 1 - Hall

ADJOURNMENT

The meeting adjourned at 10:21 a.m.



City and County of San Francisco

Meeting Minutes

Rules Committee

Members: Tony Hall, Bevan Dufty and Matt Gonzalez

Clerk: Deborah Muccino

City Hall
1 Dr. Carlton B
Goodlett Place
San Francisco, CA
94102-4689

Wednesday, August 20, 2003

9:30 AM

City Hall, Room 263

Regular Meeting

Members Present: Tony Hall, Bevan Dufty, Matt Gonzalez.

DOCUMENTS DEPT.

AUG 21 2003

SAN FRANCISCO
PUBLIC LIBRARY

MEETING CONVENED

The meeting convened at 9:40 a.m.

031357 [Confirming the appointment of Wilbert Din to the Municipal Transportation Agency Board of Directors]

Mayor

Resolution confirming the appointment of Wilbert Din to the Board of Directors of the Municipal Transportation Agency, term ending March 1, 2007.

8/6/03, RECEIVED AND ASSIGNED to Rules Committee.

*Heard in committee. Speakers: Karin Carlson, Mayor's office; Wilbert Din.
To Board as a Committee report on 8/26/03.*

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 1 - Gonzalez

031349 [Appointment]

Hearing to consider appointing 2 members to the Public Utilities Commission Rate Fairness Board.

2 seats being considered.

Vacant seat, new position, seat 1, must be a residential city retail customer, for an indefinite term.

Vacant seat, new position, seat 2, must be a small business city retail customer, for an indefinite term.

8/4/03, RECEIVED AND ASSIGNED to Rules Committee.

8/13/03, CONTINUED Heard in committee. Speakers: None Continued to August 20, 2003.

*Heard in committee. Speakers: Joseph Tham; Howard Ash; Marshall Sanders; William Wilkinson.
Appointment of Howard Ash, seat 1 and William Wilkinson, seat 2, recommended.
To Board as a Committee report on 8/26/03.*

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Howard Ash and William Wilkinson for indefinite terms to the Public Utilities Commission Rate Fairness Board.

Howard Ash, new position, seat 1, must be a residential city retail customer, for an indefinite term.

William Wilkinson, new position, seat 2, must be a small business city retail customer, for an indefinite term.

RECOMMENDED AS COMMITTEE REPORT by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

031140 [2002-03 Civil Grand Jury Report - Management of the Department of Building Inspection]

Hearing on the recommendation of the 2002-2003 San Francisco Civil Grand Jury regarding Management of the Department of Building Inspection. (Clerk of the Board)

6/26/03, RECEIVED AND ASSIGNED to Rules Committee. Response to recommendation no later than Tuesday, September 9, 2003, pursuant to California Penal Code Section 933.

Heard in committee. Speakers: Jack McNulty, Member, Civil Grand Jury; Frank Chiu, Department of Building Inspection; William Wong, Department of Building Inspection; Ken Harrington, Department of Building Inspection; Ted Lakey, Deputy City Attorney; Randy Shaw; Joe O'Donaghue; Rich Matthews; Female Speaker; Arlene Singer.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Duffy

ADJOURNMENT

The meeting adjourned at 12:09 p.m.



City and County of San Francisco

Meeting Minutes

Rules Committee

Members: Tony Hall, Bevan Dufty and Matt Gonzalez

Clerk: Deborah Muccino

City Hall
1 Dr. Carlton B
Goodlett Place
San Francisco, CA
94102-4689

Wednesday, September 17, 2003

9:30 AM

City Hall, Room 263

Regular Meeting

Members Present: Tony Hall, Bevan Dufty, Matt Gonzalez.

DOCUMENTS DEPT.

MEETING CONVENED

SEP 19 2003

The meeting convened at 10:09 a.m.

SAN FRANCISCO
PUBLIC LIBRARY

031144 [2002-03 Civil Grand Jury Report - Human Rights Commission and the Minority Business Ordinance]
Hearing on the recommendation of the 2002-2003 San Francisco Civil Grand Jury regarding the Human Rights Commission and the Minority Business Ordinance; Statistics but no specifics to support City claim that it discriminates. (Clerk of the Board)

6/26/03, RECEIVED AND ASSIGNED to Rules Committee. Response to recommendation no later than Wednesday, September 24, 2003, pursuant to California Penal Code Section 933.

Heard in committee. Speakers: William Bush, Civil Grand Jury; Theresa Stricker, Deputy City Attorney; Richard Matthews, Civil Grand Jury; Virginia Harmon, Director, Human Rights Commission; Male Speaker; Francisco De Costa; Todd Lewis; Gerald Green; Holly Thier; Ingrid Merriwether.

FILED by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 1 - Gonzalez

LITIGATION

Conference with City Attorney

*[Convene in Closed Session - Existing Litigation - City as Plaintiff and/or Defendant]
Motion that the Rules Committee of the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following existing lawsuits and claims in which proposed settlements are being considered by the Committee. Government Code Section 67.10(d) permit this closed session. Discussion in open session concerning these matters would likely and unavoidably prejudice the position of the City in the pending lawsuits and/or claims listed below.*

Unanimous vote to convene in closed session by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 1 - Gonzalez

031432 [Settlement of Lawsuit - Arcadia Machine & Tool Inc. et al.]

Ordinance authorizing the partial settlement of the lawsuit filed by the San Francisco City Attorney against certain manufacturers, distributors and dealers of firearms, and their trade associations; the settling defendants are Traders Sports, Inc., Southern Ohio Gun Distributors, Ellett Brothers Inc., and MKS Supply Inc.; these settling defendants agree to the entry of stipulated judgments that will reform their firearm distribution practices, and to pay \$70,000; the lawsuit was filed on May 25, 1999 in San Francisco Superior Court, Case No. 303-753, and later coordinated with similar actions in the San Diego Superior Court as part of J.C.C.P. 4095; entitled People of the State of California ex rel Herrera et al. v. Arcadia Machine & Tool Inc. et al. (City Attorney)

(No Public Benefit Recipient.)

8/15/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Ted Lakey, Deputy City Attorney; Owen Clements, Deputy City Attorney.

RECOMMENDED.. by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 1 - Gonzalez

Deputy City Attorney Ted Lakey reported that the Rules Committee has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) and Administrative Code Section 67.8 (3), for the purpose of conferring with, or receiving advice from, the City Attorney regarding settlements in the lawsuits or claims listed above.

[Elect Not to Disclose]

Motion that the Committee finds that it is in the best interest of the public that the Committee elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.

Unanimous vote not to disclose discussion to the public by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 1 - Gonzalez

ADJOURNMENT

The meeting adjourned at 12:00 p.m.

CITY AND COUNTY



OF SAN F [Budget Analyst Report]
Susan Hom
Main Library-Govt. Doc. Section

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

September 18, 2003

TO: Rules Committee

DOCUMENTS DEPT.

FROM: Budget Analyst

SEP 23 2003

SUBJECT: September 24, 2003 Rules Committee Meeting

SAN FRANCISCO
PUBLIC LIBRARY

Item 6 - File 03-0852

**Proposed Charter
Amendment:**

Charter Amendment to amend Section 2.117 to establish district offices for members of the Board of Supervisors and to eliminate the limit on the number of Board of Supervisors total staff members.

Draft: First

**Charter Sections
Affected:**

Section 2.117

Description:

The proposed Charter Amendment would amend the City's Charter to provide that each member of the Board of Supervisors would have a District Office located within the boundaries of his or her Supervisorial District. In accordance with the proposed Charter Amendment, each member of the Board could have more than one District Office, if the geographic features of that District pose travel or other barriers for constituents, but each Supervisor would be limited to not more than three District Offices, in addition to their City Hall office. Each District Office would (1)

maintain regular business hours, (2) provide assistance to constituents seeking City services and (3) provide an opportunity for members of the public to express their views on legislation.

If space is available, in order to defray the costs of operating a District Office, Board members may use City-owned office space. In accordance with the proposed Charter Amendment, each member of the Board would endeavor to hire staff for their District Office(s) who reflect the diversity of that District. The proposed Charter Amendment would also delete the current Charter restriction that each Board member be limited to two staff members.

Comments:

1. In November of 1996, the voters of San Francisco approved Proposition G, which requires that all 11 members of the Board of Supervisors be elected by District beginning with the election in November of 2000, with such District Supervisors taking office beginning in January of 2001.

Currently, each of the 11 members of the Board of Supervisors has an office in City Hall and is restricted by the Charter to hiring two paid staff. In accordance with the City's Charter, these two paid staff are currently exempt from the City's Civil Service selection system.

2. As noted above, the proposed Charter Amendment would delete the existing restriction in the City's Charter, which currently limits the Board of Supervisors staff to two members. Under the proposed Charter Amendment, with this deletion, each Board member could have as many positions as the Board members felt were needed in both City Hall offices and in the Supervisors District Offices, subject to such positions being approved by the Board of Supervisors in the Annual Salary Ordinance and subject to sufficient funding being appropriated by the Board of Supervisors for the staff and other related expenditures.

Currently, each of the Board of Supervisors two 1835 Legislative Assistants are paid an annual salary of up

BOARD OF SUPERVISORS
BUDGET ANALYST

to \$77,504, for a FY 2003-2004 total maximum annual cost of \$1,705,088 for the 22 1835 Legislative Assistants. If each member of the Board of Supervisors were to open just one additional District Office and hire only one additional FTE 1835 Legislative Assistant, the additional maximum annual salary costs, based on FY 2003-2004 salary rates, would be \$852,544 (11 Districts x \$77,504 maximum annual salary). Including fringe benefit costs of approximately 20 percent results in additional annual costs of \$170,508, or total personnel expenses of \$1,023,052 for each member of the Board of Supervisors to hire one additional 1835 Legislative Assistant. Any additional staff would further increase such annual personnel expenditures.

3. Mr. Charlie Dunn of the Department of Administrative Services, Real Estate Division advises that although the range of retail storefront rents in San Francisco can vary considerably, storefront commercial rents currently average approximately \$1.50 to \$2.50 per square foot per month. According to Mr. Dunn, such rental rates do not include ongoing operating expenses, such as janitorial, utilities and other maintenance costs. In addition, Mr. Dunn advises that most commercial spaces are rented "as is", such that any necessary renovations would be additional expenses for the City.

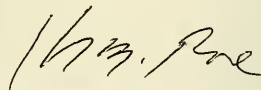
4. Ms. Gloria Young, the Clerk of the Board of Supervisors, advises that in FY 1999-2000 she worked with the Real Estate Department to identify various City-owned sites within each of the 11 Supervisorial Districts that could potentially be used for members of the Board of Supervisors District offices. Mr. Dunn states that there are various City-owned facilities, such as Branch Libraries, Fire Stations, Police Stations, Health Clinics, Recreation and Park and other facilities that may have space available for use by members of the Board of Supervisors. However, as of the writing of this report, Mr. Dunn could not identify the amount or availability of such space or whether such space would meet the Americans with Disabilities Act (ADA), security or other potential requirements for members of the Board of Supervisors.

BOARD OF SUPERVISORS
BUDGET ANALYST

5. In addition, the proposed Charter Amendment would result in initial startup costs for furnishings, computers, telephones and other equipment, plus ongoing annual maintenance, materials and supplies and other related operating expenses for each of the Board member's District offices. Based on an analysis provided by the Clerk of the Board in 2000, the initial furnishings and computer, telephone and equipment related expenses would be approximately \$60,000 per office. As of the writing of this report, the potential ongoing annual operating expenses to maintain such District offices cannot be identified.

6. As of the writing of this report, the Controller's Office had not completed a financial analysis of the costs of the proposed Charter Amendment.

Recommendation: Approval of the proposed Charter Amendment is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc: Supervisor Hall
Supervisor Dufty
President Gonzalez
Clerk of the Board
Controller
Ben Rosenfield
Ted Lakey



City and County of San Francisco

Meeting Minutes

Rules Committee

Members: Tony Hall, Bevan Dufty and Matt Gonzalez

Clerk: Deborah Muccino

City Hall
1 Dr. Carlton B
Goodlett Place
San Francisco, CA
94102-4689

Wednesday, September 24, 2003

9:30 AM

City Hall, Room 263

Regular Meeting

Members Present: Tony Hall, Matt Gonzalez.

Members Absent: Bevan Dufty.

DOCUMENTS DEPT

SEP 25 2003

SAN FRANCISCO
PUBLIC LIBRARY

MEETING CONVENED

The meeting convened at 9:44 a.m.

031531 [Appointment]

Hearing to consider appointing one member to the Child Care Planning and Advisory Council.

1 seat being considered

Vacant seat, succeeding Marie Lee, resigned, seat 3, must be a nominee of District 3 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative"; for the unexpired portion of a 3 year term ending December 31, 2005.

8/27/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Melinda Felice; Renu Nanda. Appointment of Renu Nanda, seat 3 recommended.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Renu Nanda, term ending December 31, 2005 to the Child Care Planning and Advisory Council. Residency requirement waived.

Renu Nanda, (residency requirement waived) succeeding Marie Lee, resigned, seat 3, must be a nominee of District 3 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative"; for the unexpired portion of a 3 year term ending December 31, 2005.

RECOMMENDED.. by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Dufty

031532 [Appointment]

Hearing to consider appointing one member to the Bicycle Advisory Committee.

1 seat being considered

Vacant seat, new position, seat 7, must be a nominee of District 7 Supervisor; for the unexpired portion of a two-year term ending November 19, 2004.

8/27/03, RECEIVED AND ASSIGNED to Rules Committee

Heard in committee. Speakers: None. Appointment of William Henning, seat 7, recommended.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing William Henning, term ending November 17, 2004 to the Bicycle Advisory Committee.

William Henning, new position, seat 7, must be a nominee of District 7 Supervisor; for the unexpired portion of a two-year term ending November 19, 2004.

RECOMMENDED.. by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Dufty

031492 [Appointment]

Hearing to consider appointing one member to the Sunshine Ordinance Task Force.

1 seat being considered

Vacant seat, succeeding Joshua Koltun, resigned, seat 1, must be appointed from names submitted by the local chapter of the Society of Professional Journalists and be an Attorney, for the unexpired portion of a two-year term ending April 27, 2004.

8/22/03, RECEIVED AND ASSIGNED to Rules Committee

Heard in committee. Speakers: None.

Continued to October 1, 2003.

CONTINUED by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Dufty

**030852 [Charter Amendment - District offices and staff members for members of the Board of Supervisors]
Supervisor Daly**

Charter amendment (First Draft) to amend Section 2.117, to establish district offices for members of the Board of Supervisors and to eliminate the limit on the number of staff members.

5/13/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/12/2003.

Heard in committee. Speakers: John Nulty.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Dufty

Conference with City Attorney

[Convene in Closed Session - Existing Litigation - City as Plaintiff and/or Defendant]

Motion that the Rules Committee of the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following existing lawsuits and claims in which proposed settlements are being considered by the Committee. Government Code 54956.9(a) and San Francisco Administrative Code Section 67.10(d) permit this closed session. Discussion in open session concerning these matters would likely and unavoidably prejudice the position of the City in the pending lawsuits and/or claims listed below.

Unanimous vote to convene in closed session by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Dufty

031511 [Settlement of Claim - Eric M. Hansen]

Resolution approving the settlement of the unlitigated claim filed by Eric M. Hansen against San Francisco for \$52,500; claim was filed on October 8, 2002. (City Attorney)

(Public Benefit Recipient.)

9/4/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Cheryl Adams, Deputy City Attorney.

RECOMMENDED.. by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Dufty

031515 [Settlement of Lawsuit - Jonathan Johnson]

Ordinance authorizing settlement of the lawsuit filed by Jonathan Johnson against the City and County of San Francisco for \$150,000; the lawsuit was filed on June 11, 2001 in San Francisco Superior Court, Case No. 322-080; entitled Jonathan Johnson, et al., v. City and County of San Francisco, et al; other material terms of said settlement are the waiver of the San Francisco General Hospital medical lien in the amount of \$29,281.37. (City Attorney)

(Public Benefit Recipient.)

9/4/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Cheryl Adams, Deputy City Attorney; Ted Lakey, Deputy City Attorney.

RECOMMENDED.. by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Dufty

Report on closed session

Deputy City Attorney Ted Lakey reported that the Rules Committee has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) and Administrative Code Section 67.8 (3), for the purpose of conferring with, or receiving advice from, the City Attorney regarding settlements in the lawsuits or claims listed above.

[Elect Not to Disclose]

Motion that the Committee finds that it is in the best interest of the public that the Committee elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.

Unanimous vote not to disclose discussion to the public by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Dufty

ADJOURNMENT

The meeting adjourned at 10:07 a.m.

Gov Docs

CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

DOCUMENTS DEPT.

SEP 29 2003

SAN FRANCISCO
PUBLIC LIBRARY

September 25, 2003

TO: Rules Committee
FROM: Budget Analyst
SUBJECT: October 1, 2003 Rules Committee Meeting

Item 10 - File 03-1545

Department: Department of Administrative Services, Real Estate Division (RED)
Department of Public Works (DPW)
Recreation and Park Department (RPD)

Item: Ordinance authorizing an agreement between the Director of Property and Spiers Construction Company and Forest View LLC¹ to exchange vacant land uphill from Edgemoor Park for the City's property on Portola Drive; adopting findings that the exchange agreement is categorically exempt from environmental review and is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of the exchange agreement; and authorizing settlement of the lawsuit entitled City and County of San Francisco v. William F. Spiers dba Spiers Construction

¹ Spiers Construction Company, a California general partnership, and Forest View LLC, a California limited liability company, established to develop the Edgemoor Property for single family houses, are both owned by Mr. William ("Liam") F. Spiers.

Company, filed on November 29, 2001 in San Francisco Superior Court, Case No. 401-800, for an injunction requiring removal of Spiers' fence blocking access to Edgehill Park, for dismissal of Spiers' cross-complaint for quiet title, and for the exchange agreement.

Background:

Spiers Construction Company and Forest View LLC own 45,702 square feet of unimproved vacant land fronting onto Edgehill Way, San Francisco, comprising Block No. 2934, Lots 10, 11, 12, 13, and 21 (Edgehill Property), which cumulatively have a fair market value of \$2,950,000 as stated in Attachment I, provided by Mr. Andrew Schwartz of the City Attorney's Office. Spiers Construction Company and Forest View LLC also claim a fee interest in Block No. 2923, Lot Nos. 72 and 73 which, for the purposes of the proposed exchange agreement, is also considered part of the Edgehill Property. However, Mr. Schwartz advises that the City would not pay any consideration to Spiers Construction Company and Forest View LLC for Block No. 2923, Lot Nos. 72 and 73 because the City already has access easements across both these lots.

The City seeks to acquire the unimproved Edgehill Property from Spiers Construction Company and Forest View LLC in order to preserve it as open space and combine it with the adjacent 55,034 square foot Edgehill Park already owned by the City. Ms. Lisa Wayne of RPD advises that the extension to the Edgehill Park will be maintained by the active volunteer organization, Friends of Edgehill Park, which works each month with RPD's Natural Areas Program. According to Ms. Wayne, no additional City resources will be expended to maintain the Edgehill Property.

As stated in Attachment I, the City offered to purchase the Edgehill Property from Spiers Construction Company and Forest View LLC in June of 2002 for \$2,400,000 based on an independent appraisal performed by a Member of the Appraisal Institute retained by the City Attorney's Office. Spiers Construction Company and Forest View LLC rejected that offer. However, Spiers Construction Company and Forest View LLC are now

BOARD OF SUPERVISORS
BUDGET ANALYST

prepared to suspend efforts to develop single family houses on the Edgehill Property and to instead convey the Edgehill Property to the City for the City's open space program in exchange for approximately 25,000 square feet of unimproved real property owned by the City which is located at the corner of Portola Drive, Clipper Street, and Burnett Avenue, San Francisco, known as Block No. 2870, Lot No. 48 (Portola Property). The Portola Property, which is zoned as public open space, is currently under DPW's jurisdiction and is surplus to DPW's requirements. Of the approximately 25,000 square feet of the Portola Property, Ms. Barbara Moy of DPW advises that approximately 3,450 square feet are used as a public right-of-way roadway and sidewalk, despite not being designated by the City as a public street, as explained in Attachment II, provided by Mr. Robert Beck of DPW. In Attachment I, Mr. Schwartz advises that this public right-of-way, which bisects the Portola Property, results in 5,000 square feet of the Portola Property not being developable for housing.

The Portola Property has been appraised by Martorana, Bohagian & Company (see Comment No. 4). Martorana, Bohagian & Company determined the Portola Property's fair market value to be either (a) \$2,250,000, without Planning Commission zoning approvals, or (b) \$3,125,000 with Planning Commission zoning approvals to develop 25 residential units, assuming an average residential unit value of \$125,000. As explained below in the report section "Terms of Proposed Exchange Agreement," while the proposed exchange agreement between the Director of Property and Spiers Construction Company and Forest View LLC assigns a minimum value of \$2,950,000 to the Portola Property, the ultimate value of the Portola Property would be determined by the number of residential units approved for development by the Planning Commission.

**Amount and Source
of Funds:**

This is an exchange of two properties. The Edgehill Property owned by Spiers Construction Company and Forest View LLC, which has a fair market value of \$2,950,000, would be conveyed to the City. In exchange,

BOARD OF SUPERVISORS
BUDGET ANALYST

the Portola Property owned by the City which has an assigned minimum value of \$2,950,000 for the purposes of the proposed exchange agreement, would be conveyed to Spiers Construction Company and Forest View LLC. The City will not pay any cash consideration to Spiers Construction Company and Forest View LLC for the Edgehill Property. Also, under the proposed exchange agreement, Spiers Construction Company and Forest View LLC may pay additional monies to the City for the Portola Property in the event that the Planning Commission approves the development of 25 or more residential units on the Portola Property, as explained below.

Terms of Proposed

Exchange Agreement: Under the proposed exchange agreement (a) the Director of Property would convey the Portola Property to Spiers Construction Company and Forest View LLC, and (b) Spiers Construction Company and Forest View LLC would convey the Edgehill Property to the City, under the following terms:

- Spiers Construction Company and Forest View LLC would seek Planning Commission zoning approvals to permit construction of the number of residential units on the Portola Property satisfactory to Spiers Construction Company and Forest View LLC. The proposed exchange agreement is contingent on Spiers Construction Company and Forest View LLC receiving the desired Planning Commission zoning approvals.
- Spiers Construction Company and Forest View LLC would not construct any improvements on the Edgehill Property during the 24 month term of the proposed exchange agreement, expected to begin in October of 2003 and end in October of 2005.
- The City would be responsible for ensuring the removal of a fence currently on the Portola Property which had been constructed by a residential neighbor. The cost of this removal, which is estimated by Mr. Schwartz to be "a few hundred dollars," would be borne by the residential neighbor, according to Mr. Schwartz. If the neighbor fails to remove the fence, the City would incur costs to sue for its removal, but

BOARD OF SUPERVISORS
BUDGET ANALYST

Mr. Schwartz considers the likelihood of a lawsuit to be remote given the low cost of removal.

- Within 24 months following the effective date of the proposed exchange agreement, (a) if Spiers Construction Company and Forest View LLC receive Planning Commission approval for development of the Edgell Property which meet the requirements of Spiers Construction Company and Forest View LLC, (b) if the City ensures the removal of the fence which encroaches on the Portola Property, and (c) if the various escrow and other conditions for closing specified in Sections 5.1 – 5.5 of the proposed exchange agreement are all satisfied, then Spiers Construction Company and Forest View LLC would convey the Edgell Property to the City, and the City would convey the Portola Property to Spiers Construction Company and Forest View LLC. The approximately 3,450 square feet of the Portola Property which is currently used as a public right-of-way would then be dedicated by Spiers Construction Company and Forest View LLC as a public street, which the City would accept, including all related maintenance obligations which are expected to cost the City \$600 annually, as stated in Attachment II.
- Spiers Construction Company and Forest View LLC would be required to pay the City the amount equal to the excess, if any, of the value of the Portola Property over the value of the Edgell Property in the event that the Planning Commission approves the development of 24 or more market rate residential units on the Portola Property, thereby increasing its value above the \$2,950,000 assigned minimum value specified in the proposed exchange agreement. Any higher property value would be calculated as explained in pages 4 and 5 of Attachment I.
- Mr. Schwartz advises that it is not possible, at this time, to estimate the final value of the Portola Property because (a) Spiers Construction Company and Forest View LLC have not yet determined the number of residential units they wish to build on the Portola Property, and (b) Spiers Construction Company and Forest View LLC will not be investing in the development of detailed plans for that site until

BOARD OF SUPERVISORS
BUDGET ANALYST

the Planning Commission approves development of the Portola Property. According to Mr. Schwartz, the Planning Commission would retain discretion to grant, deny, or place conditions on approval as to the number of residential units which can be developed on the Portola Property by Spiers Construction Company and Forest View LLC. Section 2.1 of the proposed exchange agreement expressly states that "Nothing herein shall impact or affect the independence of City officials in determining whether to grant the Development Approvals, or evidence any intent on the part of the City to grant such Development Approvals."

- In no event would the City be required to pay Spiers Construction Company and Forest View LLC any cash consideration for the property exchange. Mr. Schwartz advises that there is no provision in the proposed exchange agreement to provide for any cash to be paid by the City to Spiers Construction Company and Forest View LLC.
- Spiers Construction Company and Forest View LLC and the City would each indemnify the other party with regard to any environmental conditions that may exist on the subject properties, except environmental conditions caused by active negligence or willful misconduct by either party.

By approving the proposed ordinance, the Board of Supervisors would be approving both (a) the proposed exchange agreement, and (b) the settlement of litigation between the City and Spiers Construction Company and Forest View LLC (see Comment Nos. 2 and 3).

Comments:

1. In Attachment I, Mr. Schwartz states that "The City's purpose for pursuing the exchange is fourfold: to prevent undesirable development adjacent to Edgehill Park, to expand the park without the necessity of eminent domain, to obtain fair market value for the Portola property, and to facilitate the development of housing on the Portola site."

2. Mr. Schwartz advises that when the City acquired Edgehill Park by eminent domain in 1986, the City also wanted to purchase the adjacent land (the subject

BOARD OF SUPERVISORS
BUDGET ANALYST

Edgehill Property) but "could not afford to do so." Instead, private property developers have owned the Edgehill Property, intending to develop it for single-family housing. Spiers Construction Company and Forest View LLC are the current owners of the Edgehill Property. In July of 2001, the Planning Commission did not approve Spiers Construction Company and Forest View LLC's initial plans for development of two single-family houses on the Edgehill Property. Spiers Construction Company and Forest View LLC appealed the Planning Commission's decision and in August of 2001 built a fence to block public access across Lot 72 (shown as Shangri-La Way in the map included in Attachment I) to Edgehill Park. On November 29, 2001, in the San Francisco Superior Court, the City filed suit against Spiers Construction Company and Forest View LLC to have the fence removed. On January 4, 2002, Spiers Construction Company and Forest View LLC filed a cross-complaint seeking quiet title² to its Edgehill Property. After the City won its case both initially (February 22, 2002) and on appeal (August 29, 2002), Spiers Construction Company and Forest View LLC removed the fence. The City and Spiers Construction Company and Forest View LLC began negotiations to exchange Spiers Construction Company and Forest View LLC's Edgehill Property for the City-owned Portola Property because the City still wanted the Edgehill Property for open space purposes and Spiers Construction Company and Forest View LLC still planned to develop the property for residential housing. After the negotiations between the City and Spiers Construction Company and Forest View LLC started, the City's Board of Appeals in February of 2002 reversed the Planning Commission's decision and granted Spiers Construction Company and Forest View LLC permission to build two single family houses, so long as they were limited to 3,000 square feet each and Spiers Construction Company and Forest View LLC widened Edgehill Way directly in front of the houses. A neighborhood group is challenging that decision and there is currently a case pending. If the

² Mr. Schwartz advises that when a litigant seeks "quiet title," the litigant is requesting the Court to decide who owns what in a property dispute.

proposed exchange agreement is approved by the Board of Supervisors, the neighbors' lawsuit against Spiers Construction Company and Forest View LLC would be dismissed, according to Mr. Schwartz.

3. Within ten days following the effective date of the proposed exchange agreement, the City and Spiers Construction Company and Forest View LLC would file with the San Francisco Superior Court a Stipulation for Entry of Judgment and Permanent Injunction requesting:

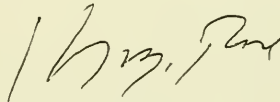
- (a) A permanent injunction against Spiers Construction Company and Forest View LLC that would prevent the use of a fence to block public access to Edgell Park.
- (b) A permanent injunction against Spiers Construction Company and Forest View LLC from interfering with public access to Edgell Park.
- (c) Dismissal without prejudice³ of Spiers Construction Company and Forest View LLC's cross-complaint for quiet title to its Edgell Property.

4. As shown in Attachment III, Mr. Steve Legnitto of RED states that he is "in agreement with the valuations determined by Independent Appraisers, John Clifford of Clifford Associates, and Martorana-Bohagian Company relative to the exchange of the Edgell and Portola Properties." The Edgell Property was appraised by Clifford Associates which was jointly retained by the City and Spiers Construction Company and Forest View LLC. The Portola Property was appraised by Martorana, Bohagian & Company which was jointly retained by the City and Spiers Construction Company and Forest View LLC. Mr. Schwartz advises that Spiers Construction Company and Forest View LLC and the City accepted both appraised valuations for the purposes of the proposed property exchange.

³ Mr. Schwartz advises that a "dismissal without prejudice" would permit Spiers Construction Company and Forest View LLC to litigate again if they do not receive the Planning Commission zoning approvals they are seeking and, therefore, do not execute the proposed exchange agreement.

5. The Director of Planning found that the proposed property exchange is categorically exempt from environmental review under the California Environmental Quality Act (CEQA), and is consistent with the City's General Plan and with the Eight Priority Policies of City Planning Code Section 101.1. The Planning Director noted that while the proposed exchange agreement would eliminate the approximately 25,000 square feet of public open space at the Portola location, the public open space at the Edgehill location would be increased by more than 45,702 square feet.

Recommendation: Approval of the proposed ordinance is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc: Supervisor Hall
Supervisor Dufty
President Gonzalez
Clerk of the Board
Controller
Ben Rosenfield
Ted Lakey

CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF THE CITY ATTORNEY



DENNIS J. HERRERA
City Attorney

ANDREW W. SCHWARTZ
Deputy City Attorney

DIRECT DIAL: (415) 554-4620
E-MAIL: andrew_schwartz@ci.sf.ca.us

**MEMORANDUM
PRIVILEGED & CONFIDENTIAL**

TO: Budget Analyst
FROM: Andrew W. Schwartz
DATE: September 24, 2003
RE: Exchange of Edgehill and Portola Properties

The City acquired Edgehill Park in 1986 by eminent domain. The park, consisting of Cypress, Eucalyptus, and Monterey Pine trees, is located on the southwest side of Edgehill Mountain facing Portola Drive. The park lies between Knockash Court and Shangri-La Way, a private street connecting to Edgehill Way. Edgehill Way is a narrow, private road that winds up Edgehill Mountain, providing the only access to the homes on the Mountain. Edgehill Park is one of the few wilderness parks in San Francisco. It is used by residents of Edgehill Mountain, West Portal, Forest Hill, and St. Francis Woods, and by hikers from all over the City and beyond.

The soil and rock on the Mountain is unstable, causing landslides and subsidence. A portion of Edgehill Way collapsed in 1997 following severe storms, requiring the City's Department of Public Works to rebuild the roadway. At approximately the same time, portions of the cliff formed by the former rock quarry above Knockash Court slid, requiring DPW to demolish a home at the top of the cliff.

William Spiers developed 13 homes on Knockash Court adjacent to the five lots at issue. (See map.) The five lots are vacant, steeply sloping single-family home sites located directly uphill from Edgehill Park fronting on Edgehill Way, Lots 10-13 and 21 in Assessor's Block 2934. In July 2001, the Planning Commission denied Spiers' application to build single-family houses on lots 12 and 13 on the ground that the houses were too large and the hillside was too unstable to permit development. In February 2002, however, the Board of Appeals reversed the Planning Commission's decision and granted Spiers permission to build the two houses, limiting the size of the houses to 3,000 square feet each. The Board further required Spiers to widen Edgehill Way directly in front of the houses. A neighborhood group has filed a lawsuit in the San Francisco Superior Court challenging that decision. That action is still pending, but would be dismissed if this settlement is approved.

Shortly after the Planning Commission's denial of his two applications, in August 2001 Spiers built a fence blocking public access to Edgehill Park from Shangri-La Way. Although the City and the public still had access to the park through Knockash Court, the Shangri-La Way access is the primary access and is essential for convenient use of the park.

**Memorandum
Privileged & Confidential**

TO: Budget Analyst
DATE: September 24, 2003
PAGE: 2
RE: Exchange of Edgehill and Portola Properties

The City disputed Spiers' ownership of Shangri-La Way. Moreover, the City argued, even if Spiers owns Shangri-La Way, the City owns an easement for access to the park from Shangri-La Way

On November 29, 2001, the City filed suit against Spiers in San Francisco Superior Court for an injunction, asking that the Court order Spiers to remove the fence and stop interfering with public access to the park. Spiers cross-complained against the City for quiet title, claiming to own Shangri-La Way free of any easements for public access to the park. On February 22, 2002, Superior Court Judge A. James Robertson II issued a preliminary injunction in favor of the City, requiring Spiers to remove the fence and prohibiting Spiers from blocking public access to the park from Shangri-La Way. Spiers filed a petition for a writ of mandate in the Court of Appeal for review of the injunction. On August 29, 2002, however, the Court of Appeal denied Spiers' petition. Following denial of the petition, Spiers removed the fence and has not interfered with public access to Edgehill Park.

On June 25, 2002, the City offered Spiers \$2,400,000 for the Edgehill property based on an independent appraisal prepared by a Member of the Appraisal Institute (MAI). The identity of the appraiser is confidential. The appraiser used the same methodology as Mr. Clifford (see summary of Clifford appraisal below). After the Court of Appeal's decision, the City and Spiers initiated discussions to exchange Spiers' five Edgehill lots for surplus vacant property owned by the City on Portola Drive and Clipper Street under the jurisdiction of DPW, Assessor's Block 2870, Lot 48. The City's purpose for pursuing the exchange is fourfold: to prevent undesirable development adjacent to Edgehill Park, to expand the park without the necessity of eminent domain, to obtain fair market value for the Portola property, and to facilitate the development of housing on the Portola site.

To determine the financial terms of an exchange of the properties, the parties agreed to jointly retain appraiser John Clifford to appraise the Edgehill property, and appraiser David Bohegian to appraise the Portola property. Based on the appraisals the parties negotiated the exchange agreement.

The Value of the Edgehill Property

John Clifford is a member of the Appraisal Institute and a highly regarded appraiser. A summary of Mr. Clifford's appraisal is contained in the Board of Supervisors file on this matter.

Mr. Clifford concluded that Lot 21 could be split into two lots and therefore valued the property for potential development of six single-family homes. Mr. Clifford selected the recent sales of several nearby vacant lots as comparable sales to the Edgehill lots. In an appraisal using

**Memorandum
Privileged & Confidential**

TO: Budget Analyst
DATE: September 24, 2003
PAGE: 3
RE: Exchange of Edgell and Portola Properties

the sales comparison method, the appraiser adjusts the comparable sales upward or downward for differences in location, size, shape, views, cost of construction, and time of sale between the comparable sale and the subject property. Here, the most comparable sales transactions were lots in Forest Hill, a superior location to the subject, ranging in price from \$510,000 to \$631,000 per lot. After adjusting for location, size, shape, views, and time of sale, Mr. Clifford concluded that the Edgell lots had a fair market value of \$590,000 per lot, or \$3,540,000 for the entire property.

Based on the Board of Appeals' decision approving construction of two homes on two of the lots, Mr. Clifford concluded that development of the Edgell property would require widening Edgell Way fronting on the six lots and the installation of curbs, gutters, and utilities to serve each of the six lots. These offsite costs, however, would not be incurred for development of the comparable sales, all of which fronted on finished streets and already had utilities to the property line. Mr. Clifford relied on the estimate of engineers and contractors to adjust the comparables downward for extraordinary offsite development costs of \$30,000 per lot, or \$180,000 for the entire property.

The comparables also required downward adjustments to the Edgell lots because the comparable sales are relatively level, while the Edgell lots are very steep. In reliance on a structural engineer's estimate as to the extraordinary costs to build foundations for houses on the Spiers lots, Mr. Clifford adjusted the value of each lot downward by \$68,000 per unit, or \$408,000 for the entire property.

Deducting \$180,000 for offsite costs and \$408,000 for extraordinary foundation costs from \$3,540,000, Mr. Clifford concluded that the value of the Edgell property is \$2,950,000. The parties agreed that Mr. Clifford's appraisal was a fair and credible appraisal of the fair market value of the Edgell property.

The independent appraiser who prepared the \$2,400,000 appraisal of the Edgell property used the same methodology as Mr. Clifford. The difference between the \$2.4 million and \$2.95 million values is twofold: Mr. Clifford had more accurate information as to the extraordinary on site and off site development costs than the City's first appraiser, and the property appreciated during the approximately one-year period between the appraisals.

The Value of the Portola Property

David Bohagian is also a member of the Appraisal Institute and a respected appraiser. To appraise the Portola property, Mr. Bohagian was required to determine the development potential of the property and compare the property with comparable sales of vacant land purchased for the

**Memorandum
Privileged & Confidential**

TO: Budget Analyst
DATE: September 24, 2003
PAGE: 4
RE: Exchange of Edgehill and Portola Properties

same type of development. A summary of Mr. Bohegian's appraisal is contained in the Board of Supervisors file on this matter.

The Portola property is surplus DPW property at the corner of Portola Drive, Clipper Street, and Burnett Avenue. (See attached map.) The area of the property is approximately 25,000 square feet. Only the eastern 20,000 square feet of the property is usable, however, because a loop road bisects the western side of the property, and the area west of the loop road is not developable. The loop route provides right turn access for northeast-bound Portola Drive traffic across the Portola Drive – Burnett Avenue intersection onto Burnett Avenue, which would otherwise be inaccessible due to a "no left turn" signal on Portola Drive.

The Portola property is a single, vacant lot. To appraise the fair market value of the property, Mr. Bohegian was required to determine the highest and best use of the property. The highest and best use is a legally permissible use that would produce the highest value as developed. Mr. Bohegian determined that the highest and best use of the property was for residential development.

The property is currently zoned for public use. To develop the property, the Planning Commission and Board of Supervisors must rezone the property. To determine the likely rezoning, Mr. Bohegian investigated the surrounding zoning and patterns of development in the area and consulted with the Zoning Administrator. He concluded that the most probable rezoning of the property would be RM-1 (Residential, Mixed District, Low Density). RM-1 allows a maximum density of one residential unit for every 800 square feet of land and imposes a height limit of 40 feet.

Land developable for multiple unit housing in San Francisco is valued using the sales comparison appraisal technique. The accepted appraisal methodology requires the appraiser to compare the subject to sales of comparable property based on sale price per developable residential unit.

Assuming that the usable area of the subject is 20,000 square feet, under RM-1 zoning a developer could build one unit for every 800 square feet, or 25 units. Mr. Bohegian compared the subject to the sales of properties developed for multiunit residential, including 600 Portola Drive at Woodside Avenue, which sold in August 1999 for \$61,000 per residential unit, 851-853 Van Ness Avenue, which sold in July 2000 for \$119,000 per unit, 400 Alemany Blvd., which sold in September 2001 for \$97,000 per unit, 1800-1820 San Jose Avenue in March 2002 for \$122,000 per unit, 2525 California Street in September 2002 for \$156,000 per unit, 206 Dolores Street in December 2002 for \$152,000 per unit, and several other recent sales of vacant lots purchased for residential development. After adjusting the comparables for location, size, shape, views, and other factors, Mr. Bohegian concluded that the Portola property would sell for

**Memorandum
Privileged & Confidential**

TO: Budget Analyst
DATE: September 24, 2003
PAGE: 5
RE: Exchange of Edgehill and Portola Properties

\$125,000 per unit if the property had government approvals for development of 24 or 25 units at the time of sale.

Mr. Bohegian further concluded that if more than 25 units were approved for development at the time of sale, either because the western portion of the property could be developed or because the property were rezoned to allow a greater density than one unit per 800 square feet, the property would be worth approximately \$115,000 for each additional unit that could be built. The per unit value assuming more than 25 units would be less than \$125,000 because the project would be more dense and the units would have to be smaller. The parties agreed that Mr. Bohegian's appraisal was also a fair and credible appraisal.

Page 6 of 7

Edgehill Way

Shane

May

72

wood fence

chain-link fence

Knockaville
Court

EDGEHILL PROPERTY

Woods Park

Spicers' properly



Kensington Way

Edgell

21

10

11

12

13

67

七

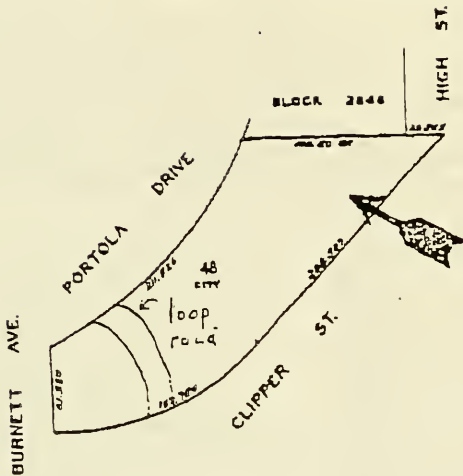
九

88

54

40

FAIRVIEW TER. BLK. 22



"Important: This plot is not a survey. It is merely furnished as a convenience to locate the land in relation to adjoining streets and other lands and NOT to guarantee any dimensions, distances, bearings, or acreage."



Tel.: (415) 554-6920
Fax: (415) 554-6944
TDD: (415) 554-6900
<http://www.sfdpw.com>

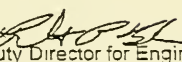


Willie Lewis Brown, Jr., Mayor
Edwin M. Lee, Director

Office of the Deputy Director for Engineering
Department of Public Works
Office of the Director
City Hall, Room 348
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4645

Robert P. Beck
Deputy Director of Engineering

TO: Alan Gibson
Budget Analyst's Office

FROM: Robert Beck 
Acting Deputy Director for Engineering

DATE: September 24, 2003

SUBJ: File No. 03-1545
Edgehill/Portola Property – Proposed Dedication of Right of Way

The City owned parcel, located at Assessor's Block 2870, Lot No. 048, ("the Portola Property") is under Department of Public Works jurisdiction. A curved roadway with a sidewalk on the eastern edge of the road presently bisects the parcel and connects Portola Drive to Clipper Street. The roadway is commonly used by the public but is not dedicated public right of way. Further, we have no records on how long this road has been in existence.

The current road serves the general public interest by providing a convenient means for vehicles to "loop around" to reverse direction from Portola Drive. The preservation of this roadway and sidewalk and the subsequent dedication of this road as official public right of way is in the interest of the public.

It is the Department's desire to retain the current road and sidewalk for public convenience and that it be officially dedicated by the Board of Supervisors as public right of way concurrent with any planning approval for development of the parcel. Should the developer desire to modify the newly formed parcels in such a way as to require the realignment of the roadway/sidewalk the Department is willing to entertain such a realignment, subject to necessary City agency approvals and construction of the new roadway alignment to City standard at developer's expense.

In addition to the dedication of the roadway as public right of way, the Department is willing to accept the roadway for maintenance by the City, either in its current condition and alignment or reconstructed in an alternative alignment as described above. The acceptance of the roadway for maintenance will require Board of Supervisor's approval.

The current, unaccepted roadway has required incidental pothole repair at an estimated cost of \$100/year. As an accepted roadway, the estimated annualized cost of resurfacing would be approximately \$500/year. The total estimated cost per year for maintenance of the dedicated and accepted roadway is therefore \$600/year. Maintenance of sidewalks, inclusive of private encroachments, curb cuts, street trees, etc., will remain the responsibility of the fronting property

September 24, 2003
Page 2 of 2

owner. Any construction or reconfiguration of the sidewalks fronting any portion of the newly formed parcels in conjunction with their development will remain subject to City approval, construction to City standards and at property owner's cost.

If you have any questions, please contact me at 554-6920 or Barbara Moy of our Bureau of Street Use and Mapping at 554-5801.

City and County of San Francisco

Real Estate Division
Administrative Services Department



MEMORANDUM

September 24, 2003

TO: Harvey Rose
Budget Analyst
Attention: Alan Gibson

FROM: Steve Legnitto
Deputy Director

A handwritten signature in black ink, appearing to read "S Legnitto", written over the name "Steve Legnitto" in the "FROM" field.

SUBJECT: Valuations Regarding the Exchange of Edgehill and Portola Properties

Steve Legnitto, Deputy Director of Property, is in agreement with the valuations determined by Independent Appraisers, John Clifford of Clifford Associates, and Martorana-Bohegian Company relative to the exchange of the Edgehill and Portola properties.

cc: Andrew Schwartz
City Attorney

H:\MEMWORD.DOC

(415) 554-9850
AX: (415) 552-9216

Office of the Director of Property
25 Van Ness Avenue, Suite 400

San Francisco, 94102



City and County of San Francisco

Meeting Minutes

Rules Committee

Members: Tony Hall, Bevan Dufty and Matt Gonzalez

Clerk: Deborah Muccino

City Hall
1 Dr Carlton B
Goodlett Place
San Francisco, CA
94102-4689

Wednesday, October 01, 2003

9:30 AM

City Hall, Room 263

Regular Meeting

Members Present: Tony Hall, Bevan Dufty, Matt Gonzalez.

DOCUMENTS DEPT.

OCT 03 2003

SAN FRANCISCO
PUBLIC LIBRARY

MEETING CONVENED

The meeting convened at 9:44 a.m.

031492 [Appointment]

Hearing to consider appointing one member to the Sunshine Ordinance Task Force.

1 seat being considered

Vacant seat, succeeding Joshua Koltun, resigned, seat 1, must be appointed from names submitted by the local chapter of the Society of Professional Journalists and be an Attorney, for the unexpired portion of a two-year term ending April 27, 2004.

8/22/03, RECEIVED AND ASSIGNED to Rules Committee

9/24/03, CONTINUED Heard in committee. Speakers: None.

Continued to October 1, 2003.

Heard in committee. Speakers: Nicole Dogwill; Steve Gottlieb. Appointment of Nicole Dogwill, seat 1, recommended.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Nicole Dogwill, term ending April 27, 2004, to the Sunshine Ordinance Task Force.

Nicole Dogwill, succeeding Joshua Koltun, resigned, seat 1, must be appointed from names submitted by the local chapter of the Society of Professional Journalists and be an Attorney, for the unexpired portion of a two-year term ending April 27, 2004.

RECOMMENDED.. by the following vote:

Ayes: 2 - Dufty, Gonzalez

Absent: 1 - Hall

031461 [Confirming the re-appointment of Michelle Sexton to the San Francisco Redevelopment Agency] Mayor

Resolution confirming the re-appointment of Michelle Sexton to the San Francisco Redevelopment Agency for a four-year term ending September 3, 2007.

8/19/03, RECEIVED AND ASSIGNED to Rules Committee

Heard in committee. Speakers: Michelle Sexton; Mary Rogers.

RECOMMENDED.. by the following vote:

Ayes: 2 - Dufty, Gonzalez

Absent: 1 - Hall

**031460 [Confirming the re-appointment of Dar Singh to the San Francisco Redevelopment Agency]
Mayor**

Resolution confirming the re-appointment of Dar Singh to the San Francisco Redevelopment Agency for a four-year term ending September 03, 2007.

8/19/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Dar Sing; Commissioner Lee Roy King.

RECOMMENDED.. by the following vote:

Ayes: 2 - Dufty, Gonzalez

Absent: 1 - Hall

031392 [Appointment]

Hearing to consider appointing one member to the San Francisco Museum and Historical Society Advisory Committee.

1 seat being considered

Vacant seat, succeeding Melissa Szeto, resigned, seat 2, must be a member of the public from historical organizations including, but not limited to, organizations focused on the history of ethnic or racial minorities, sexual orientations, gender or any of the various other cultural communities within San Francisco for the unexpired portion of a one-year term ending December 16, 2003.

8/8/03, RECEIVED AND ASSIGNED to Rules Committee

Heard in committee. Speakers: None. Appointment of Philip Choy, seat 2, recommended.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Philip Choy, term ending December 16, 2003, to the San Francisco Museum and Historical Society Advisory Committee.

Philip Choy, succeeding Melissa Szeto, resigned, seat 2, must be a member of the public from historical organizations including, but not limited to, organizations focused on the history of ethnic or racial minorities, sexual orientations, gender or any of the various other cultural communities within San Francisco for the unexpired portion of a one-year term ending December 16, 2003.

RECOMMENDED.. by the following vote:

Ayes: 2 - Dufty, Gonzalez

Absent: 1 - Hall

031431 [Appointment]

Hearing to consider appointing six members to the Local Homeless Coordinating Board.

6 seats being considered

Vacant seat, succeeding Steven Chester, term expired, seat 1, must represent homeless or formerly homeless for a two-year term ending May 15, 2005.

Vacant seat, succeeding John Wilson, term expired, seat 2, must represent homeless or formerly homeless for a two-year term ending May 15, 2005.

Vacant seat, succeeding Stuart Berger, term expired, seat 3, must represent area of advocacy for a two-year term ending May 15, 2005.

Vacant seat, succeeding Janine Charise Grantham, term expired, seat 5, must be a service provider for a two-year term ending May 15, 2005.

Vacant seat, succeeding Bob Nelson, term expired, seat 7, must be a service provider with the "floating" qualification of a focus on health services, HIV and harm reduction (This "floating" qualification currently attaches to this seat but can be assigned to any of the Mayor's or Board's service provider seats.) for a two-year term ending May 15, 2005.

Vacant seat, new position, seat 11, must represent labor for a two-year term ending May 15, 2005.

8/15/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: None. Appointment of Steven Chester seat 1, Stuart Berger, seat 3, Reverend G. Penny Nixon, seat 7, recommended. Seats 2, 5, and 11 unfilled.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Steven Chester, Stuart Berger, and Reverend G. Penny Nixon, terms ending May 15, 2005 to the Local Homeless Coordinating Board.

Steven Chester, succeeding himself, term expired, seat 1, must represent homeless or formerly homeless for a two-year term ending May 15, 2005.

Stuart Berger, succeeding himself, term expired, seat 3, must represent area of advocacy for a two-year term ending May 15, 2005.

Reverend G. Penny Nixon, succeeding Bob Nelson, term expired, seat 7, must be a service provider with the "floating" qualification of a focus on health services, HIV and harm reduction (This "floating" qualification currently attaches to this seat but can be assigned to any of the Mayor's or Board's service provider seats.) for a two-year term ending May 15, 2005.

RECOMMENDED.. by the following vote:

Ayes: 2 - Dufty, Gonzalez

Absent: 1 - Hall

030411 [Appointment]

Hearing to consider appointing two members to the Urban Forestry Council.

2 seats being considered

Vacant seat, new appointment, seat 5, must be a representative of the Golden Gate National Recreational Area, for a 2 year term ending April 5, 2005.

Vacant seat, succeeding Diana Cohen, resigned, seat 8, must be a representative of the community for the unexpired portion of a two-year term ending April 5, 2005.

3/13/03, RECEIVED AND ASSIGNED to Rules Committee.

8/22/03, CLERICAL CORRECTION: Added seat 8, succeeding Diana Cohen, resigned

Heard in committee. Speakers: Shaw McPherson; Dhaya Lakshminaraya; Richard Ingraham; Linda Rude; Martin Kutches; Mark Westlund. Appointment of Stephen Griswold, seat 5 and Dhaya Lakshminarayanan, seat 8 recommended.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Stephen Griswold and Dhaya Lakshminarayanan, terms ending April 5, 2005 to the Urban Forestry Council. Residency requirement waived.

Stephen Griswold, (residency requirement waived) new appointment, seat 5, must be a representative of the Golden Gate National Recreational Area, for a 2 year term ending April 5, 2005.

Dhaya Lakshminarayanan, succeeding Diana Cohen, resigned, seat 8, must be a representative of the community for the unexpired portion of a two-year term ending April 5, 2005.

RECOMMENDED.. by the following vote:

Ayes: 2 - Dufty, Gonzalez

Absent: 1 - Hall

031391 [Appointment]

Hearing to consider appointing one member to the Animal Control and Welfare Commission.

One seat being considered.

Vacant seat, succeeding Jamal James Modica, resigned, seat 2, must be a member representing the general public having interest and experience in animal matters for the unexpired portion of a two-year term ending April 30, 2004.

8/8/03, RECEIVED AND ASSIGNED to Rules Committee

Heard in committee. Speakers: Marsha Garland; Joanne Kipnis; Jessica Cole; Michele Berrong; Jane Greenwald; Gloria Rogan; Female Speaker; Kathy Edwards. Appointment of Joanne Kipnis, seat 2, recommended.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Joanne Kipnis, term ending April 30, 2004 to the Animal Control and Welfare Commission.

Joanne Kipnis, succeeding Jamal James Modica, resigned, seat 2, must be a member representing the general public having interest and experience in animal matters for the unexpired portion of a two-year term ending April 30, 2004.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

031502 [Reduce Members of Lead Hazard Reduction Citizens Advisory Committee From 20 to 14]

Supervisor Peskin

Ordinance amending section 1608 of the San Francisco Health Code to reduce the number of voting members in the Lead Hazard Reduction Citizen Advisory Committee from 20 to 14 members by eliminating seats for the affordable housing developers, financial expert, parent, and child care representatives, reducing the number of paint contractor representatives from two to one and reducing the number of tenant representatives from three to two.

8/26/03, RECEIVED AND ASSIGNED to Rules Committee

Heard in committee. Speakers: David Owen, aide to Supervisor Peskin. Neil Gendel; Ted Lakey, Deputy City Attorney.

10/1/03 Amendment of the whole bearing new title.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

Ordinance amending section 1608 of the San Francisco Health Code to reduce the number of voting members in the Lead Hazard Reduction Citizen Advisory Committee from 20 to 14 members by eliminating seats for the affordable housing developers, financial expert, and child care representatives, reducing the number of paint contractor representatives from two to one and reducing the number of tenant representatives from three to one.

RECOMMENDED by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 1 - Gonzalez

031646 [Appointment]

Hearing to consider appointing Fiona Ma and Matt Gonzalez terms ending June 30, 2005 to the Association of Bay Area Governments Executive Board.

2 seats being considered

Vacant seat, succeeding Fiona Ma, term expired, seat 1, must be a member of the Board of Supervisors, for a two year term ending June 30, 2005.

Vacant seat, succeeding Matt Gonzalez, term expired, seat 2, must be a member of the Board of Supervisors, for a two year term ending June 30, 2005.

9/23/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: None. Appointment of Fiona Ma, seat 1, and Matt Gonzalez, seat 2 recommended.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Fiona Ma and Matt Gonzalez terms ending June 30, 2005 to the Association of Bay Area Governments Executive Board.

Fiona Ma, succeeding herself, term expired, seat 1, must be a member of the Board of Supervisors, for a two year term ending June 30, 2005.

Matt Gonzalez, succeeding himself, term expired, seat 2, must be a member of the Board of Supervisors, for a two year term ending June 30, 2005.

RECOMMENDED by the following vote:

Ayes: 2 - Hall, Duffy

Absent: 1 - Gonzalez

031545 [Agreement to Exchange of Property and Settlement of Lawsuit - William F. Spiers dba Spiers Construction Company]

Supervisors Hall, Duffy

Ordinance authorizing an agreement to exchange vacant land uphill from Edgehill Park for the City's property on Portola Drive; adopting findings that the exchange agreement is categorically exempt from environmental review and is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of the exchange agreement; and authorizing settlement of the lawsuit entitled City and County of San Francisco v. William F. Spiers dba Spiers Construction Company, filed on November 29, 2001 in San Francisco Superior Court, Case No. 401-800, for an injunction requiring removal of Spiers' fence blocking access to Edgehill Park, for dismissal of Spiers' cross-complaint for quiet title, and for the exchange agreement.

(Public Benefit Recipient.)

9/16/03, RECEIVED AND ASSIGNED to Rules Committee

Heard in committee. Speakers: Male Speaker; Betty Alberts; Helen Johnson; Joan Kingery; Paul Ferman; Greg King; Mary McDermott; Eddie Gutierrez; Liam Spiers; Jim Keith

RECOMMENDED by the following vote:

Ayes: 2 - Hall, Duffy

Absent: 1 - Gonzalez

ADJOURNMENT

The meeting adjourned at 11:50 a.m.

CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

October 2, 2003

TO: Rules Committee

FROM: Budget Analyst

SUBJECT: October 8, 2003 Rules Committee Meeting

Item 3 - File 03-0852

DOCUMENTS DEPT.

OCT - 6 2003

SAN FRANCISCO
PUBLIC LIBRARY

Note: On September 24, 2003, the Rules Committee continued this item to the Call of the Chair.

Proposed Charter

Amendment: Charter Amendment to amend Section 2.117 to establish district offices for members of the Board of Supervisors and to eliminate the limit on the number of Board of Supervisors total staff members.

Draft: First

Charter Sections

Affected: Section 2.117

Description: The proposed Charter Amendment would amend the City's Charter to provide that each member of the Board of Supervisors would have a District Office located within the boundaries of his or her Supervisorial District. In accordance with the proposed Charter Amendment, each member of the Board could have more than one District Office, if the geographic features of that District pose travel or other barriers for constituents, but each Supervisor would be limited

to not more than three District Offices, in addition to their City Hall office. Each District Office would (1) maintain regular business hours, (2) provide assistance to constituents seeking City services and (3) provide an opportunity for members of the public to express their views on legislation.

If space is available, in order to defray the costs of operating a District Office, Board members may use City-owned office space. In accordance with the proposed Charter Amendment, each member of the Board would endeavor to hire staff for their District Office(s) who reflect the diversity of that District. The proposed Charter Amendment would also delete the current Charter restriction that each Board member be limited to two staff members.

Comments:

1. In November of 1996, the voters of San Francisco approved Proposition G, which requires that all 11 members of the Board of Supervisors be elected by District beginning with the election in November of 2000, with such District Supervisors taking office beginning in January of 2001.

Currently, each of the 11 members of the Board of Supervisors has an office in City Hall and is restricted by the Charter to hiring two paid staff. In accordance with the City's Charter, these two paid staff are currently exempt from the City's Civil Service selection system.

2. As noted above, the proposed Charter Amendment would delete the existing restriction in the City's Charter, which currently limits the Board of Supervisors staff to two members. Under the proposed Charter Amendment, with this deletion, each Board member could have as many positions as the Board members felt were needed in both City Hall offices and in the Supervisors District Offices, subject to such positions being approved by the Board of Supervisors in the Annual Salary Ordinance and subject to sufficient funding being appropriated by the Board of Supervisors for the staff and other related expenditures.

Currently, each of the Board of Supervisors two 1835 Legislative Assistants are paid an annual salary of up to \$77,504, for a FY 2003-2004 total maximum annual cost of \$1,705,088 for the 22 1835 Legislative Assistants. If each member of the Board of Supervisors were to open just one additional District Office and hire only one additional FTE 1835 Legislative Assistant, the additional maximum annual salary costs, based on FY 2003-2004 salary rates, would be \$852,544 (11 Districts x \$77,504 maximum annual salary). Including fringe benefit costs of approximately 20 percent results in additional annual costs of \$170,508, or total personnel expenses of \$1,023,052 for each member of the Board of Supervisors to hire one additional 1835 Legislative Assistant. Any additional staff would further increase such annual personnel expenditures.

3. Mr. Charlie Dunn of the Department of Administrative Services, Real Estate Division advises that although the range of retail storefront rents in San Francisco can vary considerably, storefront commercial rents currently average approximately \$1.50 to \$2.50 per square foot per month. According to Mr. Dunn, such rental rates do not include ongoing operating expenses, such as janitorial, utilities and other maintenance costs. In addition, Mr. Dunn advises that most commercial spaces are rented "as is", such that any necessary renovations would be additional expenses for the City.

4. Ms. Gloria Young, the Clerk of the Board of Supervisors, advises that in FY 1999-2000 she worked with the Real Estate Department to identify various City-owned sites within each of the 11 Supervisorial Districts that could potentially be used for members of the Board of Supervisors District offices. Mr. Dunn states that there are various City-owned facilities, such as Branch Libraries, Fire Stations, Police Stations, Health Clinics, Recreation and Park and other facilities that may have space available for use by members of the Board of Supervisors. However, as of the writing of this report, Mr. Dunn could not identify the amount or availability of such space or whether such space would meet the Americans with

Disabilities Act (ADA), security or other potential requirements for members of the Board of Supervisors.

Mr. George Nichols of the Public Library provided the Attachment to this report, which identifies possible District Office sites in Branch Libraries in each Supervisorial District. However, as noted in Attachment I, most of the Branch Libraries have limitations, such as 16 of the 19 identified Branch Libraries are less than 10,000 square feet, with additional losses anticipated for ADA and seismic retrofit requirements and 15 of the 19 Branch Libraries will be closing for renovations over the next few years.

5. In addition, the proposed Charter Amendment would result in initial startup costs for furnishings, computers, telephones and other equipment, plus ongoing annual maintenance, materials and supplies and other related operating expenses for each of the Board member's District offices. Based on an analysis provided by the Clerk of the Board in 2000, the initial furnishings and computer, telephone and equipment related expenses would be approximately \$60,000 per office. As of the writing of this report, the potential ongoing annual operating expenses to maintain such District offices cannot be identified.

6. As of the writing of this report, the Controller's Office had not completed a financial analysis of the costs of the proposed Charter Amendment. Ms. Peg Stevenson of the Controller's Office advises that the Controller will provide a written financial analysis on the proposed Charter Amendment by the October 8, 2003 Rules Committee meeting.

Recommendation: Approval of the proposed Charter Amendment is a policy matter for the Board of Supervisors.

ADDITIONAL POSSIBLE DISTRICT OFFICE SITES**BRANCH LIBRARIES**

- 1) Most Branch Libraries have a very small footprint (less than 10,000 sf).
- 2) Branch Libraries will close for renovation over the next few years.
- 3) ADA and seismic retrofit will in most cases result in loss of usable floor space.
- 4) Only a few facilities have community meeting rooms.
- 5) Community pressure to provide more space for books, computer labs, and public programming may compromise ability to house district offices in renovated Branch Libraries.

SITE	DISTRICT	COMMENTS
Library: Anza Branch** 550-37 th Avenue (7,332 sf)	1	<ul style="list-style-type: none"> • ADA and seismic retrofit may reduce amount of usable space. • Phase IV project. Est. construction start Q2 2007.
Library: Richmond Branch** 351 9 th Avenue (9,891 sf)	1	<ul style="list-style-type: none"> • Plan calls for expansion for collections, services, and community room. • Phase I project; est. construction start Q3 2004.
Library: Marina Branch** Chestnut near Webster (6,509 sf)	2	<ul style="list-style-type: none"> • Existing meeting room used for the collection due to limited space. • ADA and seismic retrofit will reduce amount of usable space. • Plan calls for expansion to increase public and staff spaces and to accommodate collection. • Phase I project; est. construction start Q1 2004.
Library: Golden Gate Valley Branch** 1801 Green Street (6,259 sf)	2	<ul style="list-style-type: none"> • ADA and seismic retrofit will reduce usable space. No room for expansion. • Phase IV project; est. construction start Q2 2007.
Library: Presidio Branch 3150 Sacramento Street (10,205 sf)	2	<ul style="list-style-type: none"> • Phase V project; est. construction start Q4 2008.
Library: North Beach Branch** 2000 Mason Street (5,530 sf)	3	<ul style="list-style-type: none"> • Some expansion planned; increased staff workspace, computer learning area, additional shelving. • Phase II project; est. construction start Q4 2005.
Library: Chinatown Branch 1135 Powell Street (17,858 sf)	3	<ul style="list-style-type: none"> • Has community meeting room.

Library: Ortega Branch** 3223 Ortega Street (5,057 sf)	4	<ul style="list-style-type: none"> Some expansion planned; children's room, multi-purpose room for public programming, study rooms. Phase III project; est. construction start Q2 2006.
Library: Sunset Branch** 1305 18 th Avenue (9,434 sf)	5	<ul style="list-style-type: none"> Phase II project; est. construction start Q3 2005.
Library: Park Branch** 1833 Page Street (8,825 sf)	5	<ul style="list-style-type: none"> Phase V project; est. construction start Q4 2008.
Library: Marshall Square Main Branch 100 Larkin Street	6	<ul style="list-style-type: none"> Has several community meeting rooms.
Library: West Portal Branch** 190 Lenox Way (6,786 sf)	7	<ul style="list-style-type: none"> ADA and seismic retrofit will result in loss of usable space. Plan calls for minimal expansion to offset loss of space. Phase II project; est. construction start Q3 2005.
Library: Merced Branch** 155 Winston Drive (5,140 sf)	7	<ul style="list-style-type: none"> ADA and seismic retrofit will result in loss of usable space. Plan calls for some expansion: children's reading room, study/computer lab, staff space and storage. Phase V project; est. construction start Q4 2008.
Library: Eureka Valley Branch** 3555 16 th Street (5,610 sf)	8	<ul style="list-style-type: none"> Current plan calls for expansion for community meeting room, public restrooms, computer study areas. ADA and seismic retrofit of existing space will result in some loss of usable space. Phase III project; est. construction start Q1 2006.
Library: Bernal Heights Branch** 500 Cortland Avenue (8,747 sf)	9	<ul style="list-style-type: none"> ADA and seismic retrofit may reduce usable area. Phase IV project; est. construction start Q2 2007.
Library: Potrero Branch** 1616 20 th Street (5,557 sf)	10	<ul style="list-style-type: none"> Has community meeting room. Some vertical expansion planned. Phase IV project; est. construction start Q2 2007.
Library: Anna E. Waden Branch** 5075 3 rd Street (7,287 sf)	10	<ul style="list-style-type: none"> Has community meeting room. ADA and seismic retrofit may reduce amount of usable space. Phase III project; est. construction start Q1 2006.
Library: Excelsior Branch** 4400 Mission Street (8,322 sf) NOTE: Closing in November '03	11	<ul style="list-style-type: none"> Has community meeting room. Phase I project; est. construction start Q4 2003.

Library: Oceanview Branch** 345 Randolph Street (4,794 sf)	11	• Has community meeting room.
---	----	-------------------------------

** Less than 10,000 sf

Item 4 - File 03-0857

Note: This item was re-referred by the Board of Supervisors at its meeting of July 15, 2003, to the Rules Committee.

Department: Retirement

Proposed Charter

Amendment: Charter Amendment (Third Draft) adding Section A8.583 to provide for a change in the retirement compensation for attorneys in the District Attorney's Office and the Public Defender's Office and for Public Defender's Investigators.

Draft: Third

Charter Sections

Affected: Section A8.583

Description: Currently, attorneys in the District Attorney's Office and Public Defender's Office and Public Defender's Investigators receive the same level of compensation upon retirement as provided to miscellaneous City employees who are members of the San Francisco Employees Retirement System (SFERS), under Charter Sections A8.509 and A8.587. Under the existing Charter Sections A8.509 and A8.587, miscellaneous City employees who are members of SFERS, including attorneys in the District Attorney's Office and Public Defender's Office and Public Defender's Investigators, who are 50 years of age and have 20 years of service in the SFERS, are eligible to retire. Such employees receive retirement compensation, equal to one percent for each year of service, times the annual compensation for the year in which the employee received the highest compensation.

Under the proposed Charter Amendment, attorneys in the District Attorney's Office and Public Defender's Office and Public Defender's Investigators, would receive increased retirement compensation. The proposed Charter Amendment provides that an employee in the subject classifications who is 50 years of age with at least five years of service in SFERS, compared to 20 years of service under the existing Charter provision, would be eligible for retirement. An eligible employee who is 50 years of age with at least five years of service in SFERS would receive retirement compensation equal to 2.4 percent for each year of service, compared to one percent under the

BOARD OF SUPERVISORS

BUDGET ANALYST

existing Charter provisions, times the annual compensation for the year in which the employee received the highest compensation.

For example, under the existing Charter provisions, a miscellaneous City employee who is 50 years of age with 20 years of service in SFERS, and whose highest level of compensation in a given year is \$80,000, receives annual retirement compensation equal to one percent times 20 years times \$80,000, or 20 percent of \$80,000, which equals \$16,000 per year. Under the proposed Charter Amendment, an eligible employee who is 50 years of age with 20 years of service in SFERS¹, and whose highest level of compensation in a given year is \$80,000, would receive annual retirement compensation equal to 2.4 percent times 20 years times \$80,000, or 48 percent of \$80,000, which equals \$38,400 per year, which is \$22,400 or 140 percent more than the \$16,000 in annual retirement compensation which such employee would receive under the existing Charter provisions.

Also, under the existing Charter Sections A8.509 and A8.587, the retirement compensation formula increases by one-quarter of one-tenth of one percent (0.00025) every three months as shown in Attachment I, resulting in retirement compensation for a miscellaneous City employee who is 60 years of age with at least 10 years of service, equal to two percent for each year of service times the annual compensation for the year in which the employee received the highest compensation (one percent at age 50, increasing every three months by one-quarter of one-tenth of one percent, resulting in a maximum of two percent at age 60 as shown in Attachment I).

Under the proposed Charter Amendment, the retirement compensation formula increases by three-tenths of one-tenth of one percent (0.00030) every three months as shown in Attachment II, resulting in retirement

¹ For purposes of comparison, this report estimates retirement benefits under the proposed Charter Amendment for an employee who is 50 years of age with 20 years of service. However, the proposed Charter Amendment provides eligibility for retirement benefits for an employee who is 50 years of age with 5 years of service. Therefore, an eligible employee who is 50 years of age with 5 years of service and whose highest level of compensation in a given fiscal year is \$80,000, would receive annual retirement compensation equal to 2.4 percent times 5 years times \$80,000, or 12 percent of \$80,000, which equals \$9,600 per year.

compensation for an eligible employee who is 55 years of age, equal to three percent for each year of service times the annual compensation for the year in which the employee received the highest compensation (2.4 percent at age 50, increasing every three months by three-tenths of one-tenth of one percent, resulting in a maximum of three percent at age 55 as shown in Attachment II).

Therefore, under the existing Charter provision, a miscellaneous City employee who is 55 years of age with 20 years of service in SFERS, and whose highest level of compensation in a given year is \$80,000, receives annual retirement compensation equal to 1.5 percent² times 20 years times \$80,000, or 30 percent of \$80,000, which equals \$24,000 per year. Under the proposed Charter Amendment, an eligible employee who is at least 55 years of age with 20 years of service in SFERS, and whose highest level of compensation in a given year is \$80,000, would receive annual retirement compensation equal to three percent times 20 years times \$80,000, or 60 percent of \$80,000, which equals \$48,000 per year, which is \$24,000 or 100 percent more than under the existing Charter provision.

The proposed Charter Amendment contains a provision which would increase the cap on retirement compensation from the current cap of 75 percent of the highest level of compensation in a given year to 90 percent of the highest level of compensation in a given year.

In addition to the provisions noted above, the proposed Charter Amendment would require the City to take all steps necessary to insure that attorneys in the District Attorney's Office and the Public Defender's Office, and Public Defender's Investigators are considered police officers for purposes of the Federal Social Security Act, which would eliminate the need for the City to fund Social Security benefits for such employees.

² Under the existing Charter provisions, the retirement benefit calculation formula increases every three months, as noted above, and equals 1.5 percent times years of service times highest annual income at age 55 and 2.0 percent times years of services times highest annual income at age 60. For purposes of comparison, this report calculates retirement benefits for employees at age 55 under the existing Charter provision and the proposed Charter Amendment.

According to Ms. Murphy, Executive Director of the Employees Retirement System, the proposed Charter Amendment also contains a provision, which would require an employee retirement contribution rate of 12 percent of covered payroll for the period of July 1, 2003 through June 30, 2023 (20 years).

Fiscal Impact:

Ms. Murphy states in her memorandum of July 7, 2003, included as Attachment III, that,

As a result of the revisions proposed at the Rules Committee meeting of July 2, 2003 a second cost analysis has been prepared by Towers Perrin, Consulting actuary to the San Francisco Employees' Retirement System and Board. The final cost analysis takes into account the proposal that members covered by this new plan pay 12.0 percent of covered gross salary (all earnings less any overtime pay). The most recent cost analysis finds that the normal cost increase is \$0.7 million per year and a one-time increase of approximately \$30.7 million increase in actuarial accrued liability. The total employer cost of this proposal is \$4.0 million per year for the next twenty years and \$0.7 million increasing with payroll thereafter.

Attachment IV, provided by Ms. Murphy is a copy of the revised actuarial report submitted by Towers Perrin.

As noted in the draft memorandum included as Attachment V provided by the Controller, the Controller's Office reports that under the proposed Charter Amendment, "The net new cost to the City of the proposal could range from \$1.2 million, if both Social Security and retirement contribution savings can be realized, to \$4.0 million annually, if neither can be realized. The final cost to the City would depend on the outcome of negotiations and determinations on these issues."

Comments:

1. The proposed Charter Amendment contains a provision which would increase the employee retirement contribution rate to 12 percent of covered payroll for the period of July 1, 2003 through June 30, 2023 (20 years), which is 4.5 percent more than the current employee contribution rate of 7.5 percent of covered payroll.

BOARD OF SUPERVISORS

BUDGET ANALYST

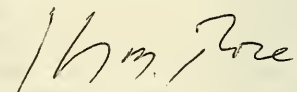
October 8, 2003 Rules Committee Meeting

Further, Ms. Murphy advises that the proposed Charter Amendment provides that the employee retirement contribution rate would return to 7.5 percent of covered payroll beginning on July 1, 2023.

2. As previously noted, the proposed Charter Amendment would require the City to take all steps necessary to insure that employees in the subject classifications are considered police officers for purposes of the Federal Social Security Act, which would allow such employees to withdraw from the Social Security System. According to Ms. Murphy, if the subject classifications are allowed to withdraw from the Social Security System, the City would achieve annual savings equal to approximately 6.25 percent of the first \$87,000 of covered salaries for the subject classifications. According to Ms. Allersma of the Controller's Office, the estimated potential annual savings to the City would total approximately \$1.1 million based on approximately \$17.3 million in covered salaries for the subject classifications (6.25 percent of approximately \$17.3 million equals approximately \$1.1 million). However, Ms. Murphy advises that it is uncertain whether the Social Security Administration would consider the subject classifications as police officers for purposes of the Federal Social Security Act due, to Federal Social Security regulations.

Recommendation:

Approval of the proposed Charter Amendment is a policy matter for the Board of Supervisors.


Harvey M. Rose

cc: Supervisor Hall
Supervisor Dufty
President Gonzalez
Clerk of the Board
Controller
Ben Rosenfield
Ted Lakey

BOARD OF SUPERVISORS
BUDGET ANALYST

Existing

Age at Retirement	Percent for Each Year of Credited Service
50	1.0000
50 1/4	1.0250
50 1/2	1.0500
50 3/4	1.0750
51	1.1000
51 1/4	1.1250
51 1/2	1.1500
51 3/4	1.1750
52	1.2000
52 1/4	1.2250
52 1/2	1.2500
52 3/4	1.2750
53	1.3000
53 1/4	1.3250
53 1/2	1.3500
53 3/4	1.3750
54	1.4000
54 1/4	1.4250
54 1/2	1.4500
54 3/4	1.4750
55	1.5000
55 1/4	1.5250
55 1/2	1.5500
55 3/4	1.5750
56	1.6000
56 1/4	1.6250
56 1/2	1.6500
56 3/4	1.6750
57	1.7000
57 1/4	1.7250
57 1/2	1.7500
57 3/4	1.7750
58	1.8000
58 1/4	1.8250
58 1/2	1.8500
58 3/4	1.8750
59	1.9000
59 1/4	1.9250
59 1/2	1.9500
59 3/4	1.9750
60	2.000*

Proposed

<u>Retirement Age</u>	<u>Percent for Each Year of Credited Service</u>
<u>50</u>	<u>2.400</u>
<u>50.25</u>	<u>2.430</u>
<u>50.5</u>	<u>2.460</u>
<u>50.75</u>	<u>2.490</u>
<u>51</u>	<u>2.520</u>
<u>51.25</u>	<u>2.550</u>
<u>51.5</u>	<u>2.580</u>
<u>51.75</u>	<u>2.610</u>
<u>52</u>	<u>2.640</u>
<u>52.25</u>	<u>2.670</u>
<u>52.5</u>	<u>2.700</u>
<u>52.75</u>	<u>2.730</u>
<u>53</u>	<u>2.760</u>
<u>53.25</u>	<u>2.790</u>
<u>53.5</u>	<u>2.820</u>
<u>53.75</u>	<u>2.850</u>
<u>54</u>	<u>2.880</u>
<u>54.25</u>	<u>2.910</u>
<u>54.5</u>	<u>2.940</u>
<u>54.75</u>	<u>2.970</u>
<u>55+</u>	<u>3.000</u>

Jesse

City and County of San Francisco

San Francisco City and County
Employees' Retirement System
Office of The Executive Director

July 7, 2003

Ms. Gloria L. Young
Clerk of the Board
Board of Supervisors
Room 244, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Subject: File Number 03-0857
Retirement Benefits for District Attorneys, Public Defenders
and Public Defender Investigators (Second Draft)

Dear Ms. Young,

This letter provides the cost and effect analysis required in Charter Section A8.500 for all additions or proposed changes to the San Francisco Employees' Retirement System. This proposed Charter Amendment adds a new plan covering District Attorneys, Public Defenders, and Public defender Investigators. This group of employees has been covered under the provisions governing benefit rights of miscellaneous employees.

Effect of the Proposal

The effect of this proposed Charter Amendment is to create a fourth category of participants within the San Francisco Employees' Retirement System, the first such addition since 1922. The proposal defines the new group and the benefits which are applicable to the new group. The benefits proposed can be quickly described by comparison to the existing plans covering other groups:

1. Service retirement benefits mirror those provided to police officers and fire fighters entering service on or after January 1, 2003 (Proposition H, November 2002),
2. Vesting Retirement benefits equivalent to miscellaneous members,
3. Death and Disability benefits equivalent to miscellaneous members with continuant characteristics consistent with those provided to police officers and fire fighters,
4. Cost of Living benefits equivalent to those provided all members hired on or after November 2, 1976.

While this proposal arises out of a California state legislation authorizing local jurisdictions to create such enhanced benefits, no presentations of risk, or need for shorter career length have been presented regarding the exceptional increases in benefits by this proposal. The benefit plans created

Letter to Gloria L. Young
Board of Supervisors (File Number 03-0857)
July 7, 2003
Page 2

to cover police officers and fire fighters were the earliest retirement plans created to cover public employees and were designed to mitigate the risks of death and disability to officers sworn to protect the lives and property of the citizens and residents of the given jurisdiction. Over time police officer and fire fighter plans have evolved to provide benefits at younger ages to recognize the need for healthy and able officers and to mitigate against death and disability costs. With the limited exception of legislators and judges, all other employees have been provided benefits which are based on formulas which weight age at retirement, years of service and a measure of the final salary of the member. The reasoning for creating a separate benefit plan with maximum age factor occurring at age 55 and maximum benefit at 90% of final annual salary is not presented.

Further, the exceptional factors which should distinguish these employees from other attorneys, health or planning inspectors, or any other employees, now characterized as miscellaneous, are not described. While the benefit levels provided to police officers and fire fighters have been coveted by many city and county employees, there are clear risks and reasons for providing the higher benefit levels and shorter required career lengths, also the citizens and residents can measure clear benefits which result from the enhanced retirement benefits.

Cost of the Proposal

This proposed Charter Amendment will increase the cost of the San Francisco Employees' Retirement System by enhancing the pension benefits payable to all current employees serving in listed positions, summarized as district attorneys, public defenders, and public defender investigators. All future hires to the listed classifications will earn benefits under the enhanced formula. The group consists of 212 participants.

The following cost analysis was prepared based on provisions proposed as of June 22, 2003. The estimated increase resulting from this proposal consists of two components, a normal cost increase of approximately \$153,000 per year and a past service cost of approximately \$19,759,000. Utilizing the amortization methodology provided for in charter section 12.100, of not more than 20 years, the annual cost is approximately \$3,130,000 consisting of \$153,000 normal cost and \$2,977,000 to amortize the increase in benefits for service rendered prior to the creation of the new plan. Attached is a letter from Towers Perrin, consulting actuary to the San Francisco Employees' Retirement System and Board, detailing the actuarial methodology and costs summarized above.

As a result of the revisions proposed at the Rules Committee meeting of July 2, 2003 a second cost analysis has been prepared by Towers Perrin, Consulting actuary to the San Francisco Employees' Retirement System and Board. The final cost analysis takes into account the proposal that members covered by this new plan pay 12.0% of covered gross salary (all earnings less any overtime pay). The most recent cost analysis finds that the normal cost increase is \$0.7million per year and a one-time increase of approximately \$30.7million increase in actuarial accrued liability. The total employer cost of this proposal is \$4.0 million per year for the next twenty years and \$0.7 million increasing with payroll thereafter. Attached is the Towers Perrin cost analysis.

Letter to Gloria L. Young
Board of Supervisors (File Number 03-0857)
July 7, 2003
Page 3

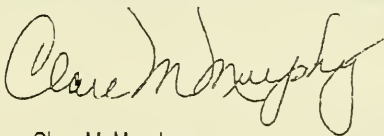
It should be noted that the proposal feature requiring 12.0% contribution rate by employees is exceptional when compared with participant contribution rates for either safety or miscellaneous members of all California public pension plans. This 12.0% contribution rate when added to 6.25% Old Age and Survivors, and Disability Insurance (OASDI) tax results in a very high commitment of \$19,687.50 annually to finance post retirement income streams for the average member of the group. This level of employee contributions will have a significant impact on recruitment of future employees for the covered group.

Non-Retirement Cost Factors

The proposed Charter Amendment requires the City and County to take all steps necessary to exclude the covered group from Social Security coverage. In the event that such steps succeed in removing the group and all future members from coverage under Federal Social Security Act, both the employee and employer will experience the elimination of OASDI payroll taxes, presently 6.25% of the first \$87,000 of annual earnings. The impact of such tax elimination has not been included in the San Francisco Employees' Retirement System cost analysis.

Representatives of the San Francisco Employees' Retirement System will attend the July 8, 2003 Board of Supervisors meeting and will be available to answer questions.

Very truly yours,



Clare M. Murphy
Executive Director

c: Mayor Willie L. Brown, Jr.
Supervisor Matt Gonzalez, President, Board of Supervisors
Supervisor Tony Hall, Chair, Rules Committee
Supervisor Bevan Dufty, Vice Chair, Rules Committee
Deborah Muccino, Clerk, Rules Committee
Harvey Rose, Budget Analyst
Leanne Nhan, Office of the Budget Analyst
Severin Campbell, Office of the Budget Analyst

Ed Harrington, Controller
Peg Stevenson, Controller's Office
Dennis Herrera, City Attorney
John Dwyer, District Attorney
Dennis Cashman, District Attorney
Tom Owen, President Municipal Attorneys Association

Leslie P. Finertie, FSA, FCA, MAAA
Principal

525 Market Street, Suite 2900
San Francisco, CA 94105-2708
415 836-1088
Fax: 415 836-1350
E-mail: lfinertl@towers.com

Towers Perrin

July 7, 2003

Ms. Clare Murphy
Executive Director
San Francisco Employees' Retirement System
30 Van Ness Avenue, Suite 3000
San Francisco, CA 94102

Dear Clare:

PROPOSITION REGARDING DISTRICT ATTORNEY AND INVESTIGATOR BENEFITS

As stated in our letter of June 23, 2003, Towers Perrin has reviewed the proposition (including the revisions) to extend higher age factors to District Attorneys under SFERS. The new age factors range from 2.4% at age 50 to 3.0% at age 55 and over, with the overall benefit limited to 90%. The current age factors range from 1% at age 50 to 2% at age 60 with a maximum of 75%. The vested term minimum would apply in both cases. With the employee contribution rate increased from 7.5% to 12.5%, the vested term minimum may be applicable, even with these higher age factors.

The death benefits would also be modified slightly under this proposition, primarily to cease continuation benefits when the surviving spouse remarries without dependent children. However, disability and termination benefits would remain unchanged from the current Miscellaneous provisions.

We have modified the cost estimate provided to you on June 23, 2003 to include a 12.5% employee contribution rate. This additional contribution will offset to some extent the cost of providing enhanced benefits to this group of employees. However, with this high turnover group, some of the contributions would be refunded with interest and not be used to fund additional retirement benefits. And, where the vested termination minimum benefit is applicable, the higher contribution rate will increase retirement benefits and costs considerably.

We also refined our estimate by running all 212 employees as Miscellaneous members (rather than as New Police members as was done for the prior estimate with the higher age factors), but with the 3% at 55 Safety retirement benefit, the 12.5% member contribution rate and revised retirement and turnover assumptions. By running these employees as Miscellaneous members we are keeping all other assumptions the same,

Towers Perrin

such as the salary scale, the salary tilt and the percent of employees assumed to take the vested benefit rather than a return of contributions.

We incorporated the terminations, retirements and layoffs over the last five years to review turnover experience. Based on this information, the turnover is approximately three times the turnover anticipated for other Miscellaneous members. This is the turnover assumption that seems most realistic for this subgroup of SFERS members.

We used the same data as in the prior cost estimate with a July 1, 2003 calculation date, where we rolled forward the data for the 212 members you provided as of July 1, 2003 by adding one year of age and service and increasing the pay by 4.5% for members included in the valuation as of July 1, 2002. Their average age was 42.5, their average service was 11.0 years, and their average pay was about \$114,000.

First, we ran this group with current Miscellaneous benefits using the higher termination rates based on this group's experience. These baseline results represent a refinement in assumptions for this small group that recognizes the current actual costs to SFERS, separate from any benefit improvement.

Then, we ran this group with the same higher termination rates but retirement rates based on "New Police" retirement rates with enhanced retirement age factors and higher member contributions. It is prudent actuarial methodology (as described in Actuarial Standards Board, Actuarial Standards of Practice No. 35, paragraph 3.3.4(b)) to make such an assumption change in retirement rates if future benefit enhancements are expected to generate earlier retirement. When a future experience study is completed to review actual experience, adjustments would be made to better reflect the actual experience of both retirement and termination with the design change.

The difference between the retirement and withdrawal benefit values of these two runs is the cost estimate for improved benefits reflecting both the higher benefits and the change in behavior expected because of these higher benefits. With the change in member contribution rate, the withdrawal benefits increased significantly. The death benefits were reduced slightly but have been ignored for this purpose. The estimated increase in normal cost for this group is about \$714,000, with an increase in the actuarial accrued liability (AAL) estimated to be \$30,669,000. The methodology for SFERS funding is to amortize an increase in the AAL over the present value of future payroll of the group receiving the benefit change, capped at 20 years. In this case the annual amortization is about \$4,446,000, generating a total annual cost increase for this benefit improvement of about \$5,160,000. If the average entry age remains relatively constant

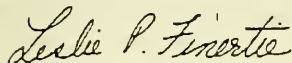
Towers Perrin

for this group, the normal cost is expected to remain a level percent of payroll of the group. The amortization will be adjusted each year for a closed amortization period based on the present value of future payroll of members in this category of employment.

Although the annual cost increase is approximately \$5.2 million, there is an expected increase in employee contributions of \$1.2 million (5.0% times payroll of \$24,242,000). Therefore, the net cost of this proposal to the City is roughly \$4.0 million.

Please let us know if you have any additional questions in this regard.

Sincerely,



Leslie P. Finertie

LPF:tg

cc: Ms. Wendy Londa — Towers Perrin/San Francisco
Mr. Thomas Matthews — Towers Perrin/San Francisco



CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER

Ed Harrington
Controller

Monique Zmuda
Deputy Controller

October 2, 2003

DRAFT

Ms. Gloria L. Young
Clerk of the Board
Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

RE: File Number 030857
Charter Amendment to provide "3% at 55" retirement benefits for attorneys and investigators in the Offices of the District Attorney and the Public Defender

Dear Ms. Young,

Should the proposed charter amendment be approved by the voters, in my opinion, the cost to the City would increase, as estimated by the Retirement System actuary, by \$4 million per year for the next 20 years.

The new cost of the proposal to the City could be mitigated by a provision that allows certain attorney and investigator classifications to be designated as exempt from Social Security. If allowed under federal and state regulations, this would provide savings to the City of \$1.1 million annually. In addition, for the last several years, as part of negotiated labor agreements, the City has paid approximately \$1.7 million annually to fund the required 7.5% retirement contribution for this employee group, however for FY 2003-2004, employees have agreed to pay the \$1.7 million contribution amount. The net new cost to the City of the proposal could range from \$1.2 million, if both Social Security and retirement contribution savings can be realized, to \$4.0 million annually, if neither can be realized. The final cost to the City would depend on the outcome of negotiations and determinations on these issues.

Sincerely,

Edward M. Harrington
Controller

Note: This analysis reflects our understanding of the proposal as of the date shown. At times further information is provided to us which may result in revisions being made to this analysis before the final Controller's statement appears in the Voter Information Pamphlet.

Meeting Minutes

Rules Committee

Members: Tony Hall, Bevan Dufty and Matt Gonzalez

Clerk: Deborah Muccino

City Hall
1 Dr. Carlton B.
Goodlett Place
San Francisco, CA
94102-4689

Wednesday, October 08, 2003

9:30 AM

City Hall, Room 263

Regular Meeting

Members Present: Tony Hall, Bevan Dufty, Matt Gonzalez.

MEETING CONVENED.

DOCUMENTS DEPT

OCT - 9 2003

SAN FRANCISCO
PUBLIC LIBRARY

The meeting convened at 9:45 a.m.

031544 [Unfinished business from adjourned Board meetings to be scheduled for next regularly scheduled Board meeting]

Supervisor Gonzalez

Motion amending the Rules of Order of the Board of Supervisors by adding Rule 3.14, which directs that when the Board of Supervisors adjourns a meeting of the Board and unfinished items of business remain on the agenda for the adjourned meeting, the Clerk of the Board of Supervisors shall reschedule those unfinished items of business for the agenda of the next regularly scheduled meeting of the Board.

9/16/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Gloria L. Young, Clerk of the Board; Ted Lakey, Deputy City Attorney, City Attorney's Office.

Continued to the October 22, 2003 meeting.

CONTINUED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

031457 [Introducing General Obligation Bond proposals 168 days before election]

Supervisor Gonzalez

Ordinance amending Section 2.31 of the Administrative Code to require that resolutions of necessity for proposed general obligation bonds must be introduced at the Board of Supervisors not less than 168 days before the election at which the voters could consider the proposed bond measure, rather than 169 days before the election.

8/19/03, RECEIVED AND ASSIGNED to Rules Committee.

Speakers: None.

RECOMMENDED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

**030852 [Charter Amendment - District offices and staff members for members of the Board of Supervisors]
Supervisor Daly**

Charter amendment (First Draft) to amend Section 2.117, to establish district offices for members of the Board of Supervisors and to eliminate the limit on the number of staff members.

5/13/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/12/2003.

9/24/03, CONTINUED TO CALL OF THE CHAIR. Heard in committee. Speakers: John Nulty.

Heard in Committee. Speaker: Bruce Wyndram, Chair of the Community Council Committee for a Better District 6.

TABLED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

**030857 [Charter Amendment - Retirement Benefits for District Attorneys, Public Defenders and Public Defender Investigators]
Supervisors Gonzalez, Sandoval**

Charter amendment (Third Draft) to add Appendix A8.583 relating to retirement benefits for attorneys in the District Attorney's and Public Defender's offices and Public Defender Investigators.

7/8/03 Amendment of the whole bearing same title.

5/13/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/12/2003.

6/18/03, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in committee. Speakers: John Dwyer, Dan Maguire, Deputy City Attorney.

6/18/03 Amendment of the whole bearing same title. Continued to June 25, 2003.

6/18/03, CONTINUED AS AMENDED.

6/25/03, CONTINUED. Heard in committee. Speakers: None.
Continued to July 2, 2003.

7/2/03, RECOMMENDED AS COMMITTEE REPORT. Heard in committee. Speakers: Ted Lakey, Deputy City Attorney; Jim Andrews; Mike Farrah, Aide to Supervisor Newsom.

7/2/03 Recommended as a committee report "Without recommendation."

7/8/03, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

7/8/03, CONTINUED AS AMENDED. Continued to July 15, 2003 with the Board Sitting as a Committee of the Whole.

7/15/03, RE-REFERRED to Rules Committee.

Speakers: None.

Continued to October 22, 2003.

CONTINUED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

ADJOURNMENT

The meeting adjourned at 10:00 a.m.

CITY AND COUNTY



[Budget Analyst Report]
Susan Hom
Main Library-Govt. Doc. Section

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

October 9, 2003

TO: Rules Committee

DOCUMENTS DEPT.

FROM: Budget Analyst

OCT 15 2003

SUBJECT: October 16, 2003 Rules Committee Meeting

SAN FRANCISCO
PUBLIC LIBRARY

Item 2 - File 03-1405

Proposed Charter

Amendment:

Charter Amendment to establish a Public Education Enrichment Fund, with specified contributions to and disbursements from the Fund, to set a baseline appropriation for the San Francisco Unified School District (SFUSD) and the Children and Families First Commission, to establish a policy of providing universal access to preschool education for children residing in San Francisco who are four years old, to identify offsetting cost savings in City operations at least equal to the City contribution to the Fund, and to set an expiration date.

Draft: Third

Charter Sections

Affected: Adding Sections 16.123-1 through 16.123-10

Description: The proposed Charter Amendment would add various new sections to the City's Charter to (1) create a new Public Education Enrichment Fund, with specified contributions to and appropriations from the Fund to

the San Francisco Unified School District (SFUSD) and the Children and Families First Commission (First Five Commission), (2) establish a separate baseline appropriation for the SFUSD and the First Five Commission, (3) establish a policy of providing universal access to preschool education for children residing in San Francisco who are four years old, (4) identify offsetting cost savings in City operations at least equal to the City contributions made to the Fund, and (5) establish an expiration date for the proposed Charter Amendment.

In November of 1998, the California voters approved Proposition 10, the California Children and Families Act, to increase Tobacco Taxes to fund local health care, childcare and education programs for early child development and their families. In response to Proposition 10, the First Five Commission was established on December 24, 1998 by the Board of Supervisors (File No. 409-98). According to Ms. Moira Kenney of the First Five Commission, as established by local ordinance, is governed by nine members all appointed by the Board of Supervisors. Ms. Kenney states that the First Five Commission is charged with distributing Proposition 10 revenues in accordance with an Annual Strategic Plan in the following areas: early care and education, child and family health, family support and parent education, and children needing enhanced services.

Public Education

Enrichment Fund: The proposed new Public Education Enrichment Fund is intended to increase the City's appropriations to and expenditures for the San Francisco Unified School District (SFUSD) and the First Five Commission. In accordance with the proposed Charter Amendment, the City would annually appropriate General Fund revenues to the proposed new Public Education Enrichment Fund, such that at least two-thirds of the City's annual contribution to the Public Education Enrichment Fund would be direct financial support, and the remaining up to one-third of the City's annual contribution would be equal to the cash value of in-kind services provided by the City to the SFUSD and the First Five Commission. The City would be required to

contribute and appropriate, over a ten year period, General Fund revenues for the Public Education Enrichment Fund combined with in-kind services to the SFUSD that total the following amounts for the first four fiscal years:

<u>Fiscal Year</u>	<u>City Contribution</u> <u>Required to the Fund</u>
FY 2004-2005	\$15,000,000
FY 2005-2006	30,000,000
FY 2006-2007	45,000,000
FY 2007-2008	60,000,000

The proposed Charter Amendment would direct that a portion of the City's contribution to the Public Education Enrichment Fund be appropriated, as shown in the following table, specifically for (1) the SFUSD for arts, music, sports and library programs in the schools, (2) the First Five Commission for the purpose of providing universal preschool programs, and (3) financial assistance to the SFUSD for direct classroom support or in-kind support services of an equal value in the following amounts:

<u>Fiscal Year</u>	<u>Total City</u> <u>Contribution</u> <u>to the Fund</u>	<u>SFUSD:</u> <u>Arts, Music,</u> <u>Sports, and</u> <u>Library</u> <u>Programs</u>	<u>First Five</u> <u>Commission:</u> <u>Universal</u> <u>Preschool</u> <u>Program</u>	<u>SFUSD: Direct</u> <u>classroom</u> <u>support or in-</u> <u>kind support</u> <u>services</u>
FY 2004-2005	\$15,000,000	\$5,000,000	\$5,000,000	\$5,000,000
FY 2005-2006	30,000,000	10,000,000	10,000,000	10,000,000
FY 2006-2007	45,000,000	15,000,000	15,000,000	15,000,000
FY 2007-2008	60,000,000	20,000,000	20,000,000	20,000,000

For the last six years of the ten year program, from FY 2008-2009 through FY 2013-2014, the City's contribution to the Public Education Enrichment Fund, which would be appropriated to the SFUSD and the First Five Commission, would equal the prior year's total contribution, adjusted for the estimated changes in the City's General Fund revenues, as determined by the Controller.

In-kind Services: No later than six months after the passage of the subject Charter Amendment, the SFUSD would be required to submit to the Board of Supervisors a proposal for in-kind services that could be provided by the City to the SFUSD. The Board of Supervisors would distribute this proposal to applicable City departments, and no later than nine months after the effective date of the subject Charter Amendment, in accordance with the proposed Charter Amendment, City departments would be required to respond to the Board of Supervisors with proposals to provide such in-kind services to the SFUSD.

Baseline

Appropriation: In addition to the City's appropriation to the Public Education Enrichment Fund described above, the proposed Charter Amendment also specifies that the City cannot reduce the amount of City appropriations to the SFUSD below the amount appropriated in FY 2002-2003 (the base year), in any of the ten years (FY 2004-2005 through FY 2013-2014) during which additional funds are required to be set aside for the Public Education Enrichment Fund.

The Controller would be responsible for adjusting the baseline appropriation to the SFUSD annually for each year after the base year by the percentage increase or decrease in the aggregate City and County discretionary General Fund revenues. City and County discretionary General Fund revenues would only include revenues received by the City and County that are unrestricted and can be appropriated for any lawful City purpose by the Mayor and the Board of Supervisors.

Based on the audited financial results for the prior fiscal year, the Controller would also be responsible for calculating and publishing for both the SFUSD and the First Five Commission, the actual amount of the City's appropriations that would have been required under the baseline.

Audits and Financial

Oversight: All disbursements from the Public Education Enrichment Fund would be subject to periodic audits by the Controller. According to Mr. Tom Owen of the City

BOARD OF SUPERVISORS
BUDGET ANALYST

Attorney's Office, because the proposed Charter Amendment does not define "periodic", the audit schedule would be left to the discretion of the Controller. Additionally, no later than February 1 of each year, or May 1, 2004, the SFUSD and the First Five Commission would be required to submit an expenditure plan for funding received from the Public Education Enrichment Fund for the following fiscal year. The Controller would review those plans and transmit comments on the expenditure plan to the Board of Supervisors and the Mayor. The Board of Supervisors and the Mayor may request further explanations from the SFUSD and the First Five Commission and the Board of Supervisors could reserve funds pending receipt of adequate responses from the SFUSD and the First Five Commission.

**Offsetting Cost
Savings in City
Operations:**

The proposed Charter Amendment would require the Controller and the Budget Analyst, no later than October 1 of each fiscal year from FY 2004-2005 through FY 2007-2008, to identify reductions to the City's budget or other structural changes that would result in ongoing savings at least equal to the amount for the City's required contribution to the Public Education Enrichment Fund. No later than December 15 of each fiscal year, from FY 2004-2005 through 2007-2008, the Board of Supervisors would be required to hold hearings on the recommendations made by the Controller and the Budget Analyst, and then forward the Board of Supervisors' proposal to the Mayor (see Comment No. 3). The Mayor would be required to include the City's required contribution to the Public Education Enrichment Fund in his or her balanced budget submission to the Board of Supervisors for the following fiscal year. The Mayor could (1) incorporate the recommended structural savings to the City's budget made by the Board of Supervisors, or (2) identify alternative increased revenues or expenditure reductions sufficient to cover the amount necessary for the City's required contribution to the Public Education Enrichment Fund.

**Deferred Payments
and Adjusted**

Contributions: The proposed Charter Amendment would allow the City to reduce its contribution to the Public Education Enrichment Fund by 50 percent in FY 2004-2005, if the Joint Budget Report, prepared by the Controller, the Mayor's Budget Director and the Budget Analyst projected a budget shortfall of \$50,000,000 or more.

Between FY 2005-2006 and FY 2013-2014, the City could reduce its contribution to the Public Education Enrichment Fund by 25 percent if the Joint Budget Report, prepared by the Controller, the Mayor's Budget Director and the Budget Analyst projected a budget shortfall of \$100,000,000 or more. However, any such reductions to the City's required contribution to the Fund in any given year for the ten year period would have to be paid back by the City to the Public Education Enrichment Fund before FY 2014-2015, or three years from the date of the reduction, whichever is later (see Comment No. 2).

The City may suspend the baseline appropriation or its annual contribution to the Public Education Enrichment Fund if the Controller certifies that either the SFUSD or the First Five Commission has failed to adopt audit recommendations made by the Controller. The Board of Supervisors may, by ordinance, proportionally reduce the contribution to the Public Education Enrichment Fund required by this proposed Charter Amendment if the voters adopt new, dedicated revenue sources for the SFUSD or for the First Five Commission and the offsetting reduction is specifically authorized by the new revenue sources.

State's

Contribution: If the State of California directly or indirectly reduces State funding to the SFUSD because of the City's contribution to the Public Education Enrichment Fund, the City would transfer monies that would otherwise be required to be distributed to the SFUSD to the City's Children's Fund for the provision of substantially equivalent services and programs.

Comments:

1. According to the Office of the Sponsor, the intent of the proposed Charter Amendment is to (1) prepare children for school by providing preschool to all four year olds residing in San Francisco, and (2) to improve the investment in San Francisco's public schools such that per pupil spending increases to approach the average of comparable U.S. cities. According to a report prepared by the Office of the Sponsor entitled "Great Schools for a Great City", "San Francisco per pupil spending ranks 34th among 43 comparable central city U.S. public school districts of similar size."

The proposed Charter Amendment would establish a City policy to provide all four-year-old children who reside in San Francisco with the opportunity to attend preschool no later than September 1, 2009. The proposed Charter Amendment would require the First Five Commission to submit to the Board of Supervisors, for approval, a proposal for a universal preschool program by September 1, 2004.

2. As noted above, the proposed Charter Amendment allows the City to reduce its contribution to the Public Education Enrichment Fund by (1) 50 percent in FY 2004-2005, if the Joint Budget Report projected a budget shortfall of \$50,000,000 or more and by (2) 25 percent in FY 2004-2005 through FY 2013-2014, if the Joint Budget Report, projected a budget shortfall of \$100,000,000 or more. The Office of the Sponsor advises that these deferment provisions were included to provide the City relief in difficult financial times. The Office of the Sponsor further advises that any such reductions to the City's required contribution in any given year would have to be paid back by the City; therefore, the City should not be allowed to defer payments to the Public Education Enrichment Fund beyond 25 percent after FY 2004-2005.

3. As previously stated, the proposed Charter Amendment would require the Controller and the Budget Analyst, no later than October 1 of each fiscal year from FY 2004-2005 through FY 2007-2008, to identify recommend "cuts or other structural changes to reduce, on an ongoing basis, spending on City departmental operations" that would result in cost

BOARD OF SUPERVISORS
BUDGET ANALYST

savings equal to the amount required for the City's required contribution to the Public Education Enrichment Fund. According to Mr. Owen, the proposed Charter Amendment would require the Controller and the Budget Analyst to identify General Fund savings in the City's budget in the amount of at least \$15,000,000 for FY 2004-2005, \$30,000,000 for FY 2005-2006, \$45,000,000 for FY 2006-2007, and \$60,000,000 for FY 2007-2008.

Historically, the Budget Analyst's annual budget review generally has yielded up to an estimated \$10,000,000 in General Fund savings. While the Budget Analyst believes that the Controller and the Budget Analyst may be able to identify reductions to the City's budget in the amounts required by the proposed Charter Amendment, (1) approval of such recommendations would be policy matters for the Board of Supervisors and (2) implementation of such recommendations could likely result in service reduction provided by General Fund supported City departments for budget reductions. As previously stated, the Mayor would also have the option to identify additional revenue sources to offset the need to make budget reductions.

4. As of the writing of this report, the Controller's Office had not completed the Controller's fiscal impact analysis for the subject proposed Charter Amendment. Ms. Peg Stevenson of the Controller's Office advises that the Controller will provide the Rule Committee with their analysis by the October 16, 2003 meeting.

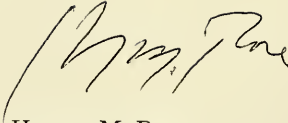
Recommendation: Approval of the proposed Charter Amendment is a policy matter for the Board of Supervisors.

savings equal to the amount required for the City's required contribution to the Public Education Enrichment Fund. According to Mr. Owen, the proposed Charter Amendment would require the Controller and the Budget Analyst to identify General Fund savings in the City's budget in the amount of at least \$15,000,000 for FY 2004-2005, \$30,000,000 for FY 2005-2006, \$45,000,000 for FY 2006-2007, and \$60,000,000 for FY 2007-2008.

Historically, the Budget Analyst's annual budget review generally has yielded up to an estimated \$10,000,000 in General Fund savings. While the Budget Analyst believes that the Controller and the Budget Analyst may be able to identify reductions to the City's budget in the amounts required by the proposed Charter Amendment, (1) approval of such recommendations would be policy matters for the Board of Supervisors and (2) it is possible that the implementation of such recommendations could result in service reductions provided by General Fund supported City departments. Alternatively, the Mayor would also have the option to identify additional revenue sources to offset the need to make budget reductions.

4. As of the writing of this report, the Controller's Office had not completed the Controller's fiscal impact analysis for the subject proposed Charter Amendment. Ms. Peg Stevenson of the Controller's Office advises that the Controller will provide the Rule Committee with their analysis by the October 16, 2003 meeting.

Recommendation: Approval of the proposed Charter Amendment is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc: Supervisor Hall
Supervisor Dufty
President Gonzalez
Clerk of the Board
Controller
Ben Rosenfield
Ted Lakey



City and County of San Francisco

Meeting Minutes

Rules Committee

Members: Tony Hall, Bevan Dufty and Matt Gonzalez

94102-4689

Clerk: Deborah Muccino

Thursday, October 16, 2003

2:30 PM

Legislative Chambers, 2nd Floor

Special Meeting

Members Present: Tony Hall, Bevan Dufty, Matt Gonzalez.

MEETING CONVENED.

The meeting convened at 2:37 p.m.

DOCUMENTS DEPT

REGULAR AGENDA

OCT 22 2003

SAN FRANCISCO
PUBLIC LIBRARY

031736 [Appointment]

Hearing to consider the appointment of 1 member to the Lead Hazard Reduction Citizens Advisory Committee.

1 Seat Being Considered:

Vacant seat, succeeding Linda Salas, seat 6, must be a representative involved in housing and community development issues from the Mayor's office; for the unexpired portion of a four-year term ending December 22, 2003.

10/8/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speaker: Joe LaTorre, applicant.

Appointment of Joe LaTorre, Seat 6, recommended.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Joe LaTorre, term ending December 22, 2003 to the Lead Hazard Reduction Citizens Advisory Committee. Residency requirement waived.

Joe LaTorre, residency requirement waived, succeeding Linda Salas, resigned, Seat No. 6, must be a representative involved in housing and community development issues from the Mayor's Office, for the unexpired portion of a four-year term ending December 22, 2003.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

031405 [Charter Amendment - Establishing a Public Education Fund]**Supervisors Ammiano, Dufty, Daly**

Charter amendment (Third Draft) to add Sections 16.123-1 through 16.123-10, to establish a Public Education Enrichment Fund.

(Fiscal impact.)

8/12/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 9/11/2003.

9/30/03, SUBSTITUTED. Supervisor Ammiano submitted a substitute Charter amendment bearing new title.

9/30/03, ASSIGNED to Rules Committee. Referred to the Youth Commission on October 7, 2003.

10/7/03, SUBSTITUTED. Supervisor Ammiano submitted a substitute Charter amendment bearing same title.

10/7/03, ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Supervisor Tom Ammiano; Tom Owen, Deputy City Attorney, City Attorney's Office; Deborah Newman, Budget Analyst's Office; Dr. Dan Kelly, San Francisco Board of Education; Commissioner Eric Mar, San Francisco Board of Education; Commissioner Mark Sanchez, San Francisco Board of Education; Jim Durkey, Peter Vaernet; Dan Ryan, San Francisco Org. Project; Sally Ann Ryan, SFUSD and VASF; Ed Buckley; Clare Watsky; Meg Madden, Music in Schools Today; Moira Kenney, Executive Director, First 5 SF; Melinda Felice, CPAC; Lisa Kiesselbach, San Francisco Child Care Providers Assn.; Stephen Jacobs, 2002-03 Civil Grand Jury; H. Cohen, 2002-03 Civil Grand Jury; Kathy Truett, SFUSD, Child Development Program; Andrew Brother Elk, NACC, Arts Democratic Club; Jose Luis Pavon, Coleman Advocates; Jesse Cottrell, Chair, Youth Commission; Ismael Baires, Youth Commission; Hydra Mendoza, Parents for Public Schools; Joy Nwabueze, Florence Crittenton Services; Pam Pryfogle, Infant Toddler Consortium; Norman Yee, Commissioner, First 5 Commission; Brenda Berlin, Young Audiences of the Bay Area; Sally Large, Friends of St. Francis Childcare; Diana Ming Chan, Learning Support Services; Belinda Bellinger, Coleman Advocates; Susan Stauter, SFUSD; Joe Wilson, Coleman Advocates; Donna Cahill, Holy Family Day Home; Caroline Grannan, SFPTA; Mary Vradelis; Jeremiah Jeffries; Raquel Cardenas; Aminta Adofoadom, Youth Commission; Julie Auslander, Social Worker, SFUSD; Davide Celoria, Marshall Elementary; Eve Cheung, Principal, Junipero Serra Elementary School; Linda Guitron, SFUSD; Barbra Hedman; Dennis Kelly, United Educators of San Francisco; Linda Place, United Educators of San Francisco; Lucinda Wheaton, Parents for the Arts in San Francisco Schools; Paula Zenti, Coleman Advocates; Female Speaker; Bruce Wolf; Kristen Edmundson, Social Worker, SFUSD; Female Speaker, Teacher, Balboa High School; Bruce Wolf, San Francisco State University, recent graduate in Social Work.

REFERRED WITHOUT RECOMMENDATION by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 1 - Gonzalez

LITIGATION

Conference with City Attorney

[Convene in Closed Session - Existing Litigation - City as Plaintiff and/or Defendant]

Motion that the Rules Committee of the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following existing lawsuits and claims in which proposed settlements are being considered by the Committee. Government Code 54956.9(a) and San Francisco Administrative Code Section 67.10(d) permit this closed session.

Discussion in open session concerning these matters would likely and unavoidably prejudice the position of the City in the pending lawsuits and/or claims listed below.

Unanimous vote to convene in closed session by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

031642 [Settlement of Lawsuit - Marie Lavin]

Ordinance authorizing settlement of the lawsuit filed by Marie Lavin against the City and County of San Francisco for \$200,000; the lawsuit was filed on December 5, 2001, in the San Francisco Superior Court, Case No. 402019, entitled Marie Lavin v. City and County of San Francisco, Adult Probation Department. (City Attorney)

(Public Benefit Recipient.)

9/29/03, RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

Report on Closed Session.

Deputy City Attorney Ted Lakey reported that the Rules Committee has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) and Administrative Code Section 67.8 (3), for the purpose of conferring with, or receiving advice from, the City Attorney regarding settlements in the lawsuits or claims listed above.

[Elect Not to Disclose]

Motion that the Committee finds that it is in the best interest of the public that the Committee elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.

Unanimous vote not to disclose discussion to the public by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 1 - Gonzalez

ADJOURNMENT

The meeting adjourned at 5:02 p.m.

CITY AND COUNTY



OF SA [Budget Analyst Report]
Susan Hom
Main Library-Govt. Doc. Section

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

October 16, 2003

TO: Rules Committee

FROM: Budget Analyst

SUBJECT: October 20, 2003 Special Rules Committee Meeting

DOCUMENTS DEPT.

OCT 17 2003

SAN FRANCISCO
PUBLIC LIBRARY

Item 1 - File 03-1543

Departments:

Department of Human Resources (DHR)
Fire Department
Police Department

**Proposed Charter
Amendment:**

Charter Amendment amending Section A8.590 to provide for timelines for completion of labor negotiations for uniformed employees of the Police and Fire Departments identical to those already in place for other City employee labor negotiations under Charter Section A8.409 which covers miscellaneous employees, including Deputy Sheriffs.

Draft:

First

**Charter Section
Affected:**

Section A8.590

Description:

Currently, Charter Section A8.590 is the City's labor negotiation and interest arbitration statute covering uniformed employees of the Police and Fire Departments.

BOARD OF SUPERVISORS
BUDGET ANALYST

A separate Charter Section A8.409 is the City's labor negotiation and interest arbitration statute covering miscellaneous employees, including Deputy Sheriffs. Charter Section A8.409 requires that labor negotiations be completed by the start of the City's new fiscal year. Unlike Charter Section A8.409, Charter Section A8.590 does not specify any timelines for completion of the negotiation and arbitration process for uniformed employees of the Police and Fire Departments.

Mr. Phil Ginsburg of the City Attorney's Office advises that because Charter Section A8.590 does not specify any timelines for completion of the negotiation and arbitration process:

- The negotiation process for uniformed employees of the Police and Fire Departments takes longer than the negotiation process for miscellaneous employees.
- The resulting memoranda of understanding (MOUs) for uniformed employees of the Police and Fire Departments have generally not been ratified until after the start of the new fiscal year, thereby requiring retroactive implementation.
- Uniformed employees of the Police and Fire Departments have historically negotiated "advantageous" MOUs as a result of trailing after all other MOUs are negotiated.

The proposed Charter Amendment, if approved by the voters, would amend Charter Section A8.590 to require labor negotiations for uniformed employees of the Police and Fire Departments to be completed within the same timelines as the labor negotiations for miscellaneous employees covered by Charter Section A8.409. In both cases, negotiations would have to be completed by the start of the City's new fiscal year.

Comments: 1. Mr. Ginsburg advises that the new timeline for labor negotiations for uniformed employees of the Police and Fire Departments would be as follows:

New deadline	Step in the labor negotiation process	Existing Charter Section 11.100 extension provisions applied to the new timeline ¹
January 20	Parties must appoint their arbitrators on the Board of Arbitrators	
January 31	Parties must appoint their board members on the Neutral Impasse Resolution Board	
April 1	Deadline for Board of Supervisors approval of negotiated contracts	
May 1		Deadline for Board of Supervisors approval of negotiated contracts with 30-day extension
June 30		Deadline for Board of Supervisors approval of mediated settlements and arbitration awards with 60-day extension from May 1.

2. Ms. Alice Villagomez of DHR advises that the current two-year MOU for the uniformed members of the Police Department, effective from FY 2003-2004 through FY 2004-2005, was not approved by the Board of Supervisors until September of 2003. The previous two-year MOU for the uniformed members of the Police Department, effective from FY 2001-2002 through FY 2002-2003, had not been

¹ Under Charter Section 11.100, "... the Board of Supervisors by motion may extend up to 30 days the date for final adoption of ordinances approving salary and benefits ... Should the Board of Supervisors reject any memorandum of understanding and/or schedule of compensation and benefits, the Board of Supervisors shall by motion simultaneously extend by 60 days the date for final adoption of ordinances approving salary, benefits and/or working conditions ..."

approved by the Board of Supervisors until August of 2001.

3. Ms. Villagomez advises that the current two-year MOU for the uniformed members of the Fire Department, effective from FY 2003-2004 through FY 2004-2005, was not approved by the Board of Supervisors until the August of 2003. The previous two-year MOU for the uniformed members of the Fire Department, effective from FY 2001-2002 through FY 2002-2003, had not been approved by the Board of Supervisors until August of 2001.

4. Another proposed Charter Amendment under File 03-1542, Item No. 4 on the agenda for the October 20, 2003 Rules Committee meeting, proposes to reclassify Deputy Sheriffs from miscellaneous employees covered by the labor negotiation and interest arbitration provisions of Charter Section A8.409, which requires negotiation processes to be completed by the start of the new fiscal year, to safety employees covered under the labor negotiation provisions set forth in Charter Section A8.590, which currently does not specify any timelines for completion of the negotiation and arbitration process. If that other Charter Amendment (File 03-1542) and this subject proposed Charter Amendment (File 03-1543), which would impose negotiation and arbitration deadlines on uniformed employees of the Fire and Sheriffs Departments, are both approved by the voters, then Deputy Sheriffs would continue to be held to the same labor negotiation deadlines under which they currently operate because both Charter Sections A8.409, which currently covers Deputy Sheriffs, and A8.590, which would cover Deputy Sheriffs in the future, would require negotiations and arbitration to be complete by the start of the new fiscal year.

5. According to Ms. Villagomez, DHR anticipates implementation issues related to the subject Charter Amendment. Currently, staggering the labor negotiations for miscellaneous employees and

for uniformed employees of the Police and Fire Departments permits DHR and City Attorney's Office staff to handle the labor negotiations themselves, limiting the use of outside negotiators. Ms. Villagomez reports that during the 2002 labor negotiations, only two outside counsel were hired specifically for labor negotiations, Mr. Jonathon Holzman and Ms. Susan Mosk, at a cost of \$191,054. Ms. Villagomez further reports that no outside counsel or labor negotiators were hired for the 2003 labor negotiations. If future labor negotiations for both miscellaneous employees and for uniformed employees of the Police and Fire Departments are to be run concurrently, Ms. Villagomez advises that there would potentially be a need to augment DHR and City Attorney's Office staffing during the labor negotiations in order to meet the Charter's timeframes. Ms. Villagomez reports that it would be difficult to estimate the additional cost to the City because the staffing needs each year would be dependent on the number of contracts being negotiated in that year, the negotiation timetable, and the specific issues under discussion.

6. The Attachment is the fiscal impact analysis for the proposed Charter Amendment prepared by the Controller's Office. As reflected in the Attachment, the Controller reports that "The proposed change in the timing of these negotiations could affect the outcome and increase or decrease the City's costs under its labor agreements, but the amendment would not in and of itself result in new costs or savings."

Recommendation: Approval of the proposed Charter Amendment is a policy matter for the Board of Supervisors.



CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER

Attachment

Ed Harrington
Controller

Monique Zmuda
Deputy Controller

October 14, 2003

Ms. Gloria Young
Clerk of the Board
Board of Supervisors
City Hall, Room 244
Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

RE: File Number 031543
Charter amendment to change labor negotiations timelines for police officers and firefighters

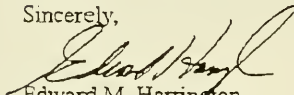
Dear Ms. Young:

Should the proposed Charter amendment be approved by the voters, in my opinion, it would not increase the cost government.

Currently the Charter has no deadline for completion of the labor agreements between the City and the unions representing uniformed Police and Fire employees. The proposed Charter amendment would set deadlines matching those established for all other employee negotiations under which labor agreements must be negotiated, completed and approved by the Board of Supervisors by June 30th. The amendment would require the City to increase its staff capacity to meet the new deadlines, but would also shorten the negotiation period. Overall the City's cost for the labor negotiations process would not change significantly.

Negotiations with the Police and Fire employee organizations typically conclude after all other labor contracts are completed and several weeks after the beginning of the new fiscal year. The proposed change in the timing of these negotiations could affect the outcome and increase or decrease the City's costs under its labor agreements, but the amendment would not in and of itself result in new costs or savings.

Sincerely,


Edward M. Harrington
Controller

Note: This analysis reflects our understanding of the proposal as of the date shown. At times further information is provided to us which may result in revisions being made to this analysis before the final Controller's statement appears in the Voter Information Pamphlet.

Item 2 - File 03-1561

**Proposed Charter
Amendment:**

Allowing the City to reduce the minimum Police Department sworn staffing after conducting a study of which positions could be filled by civilian personnel rather than sworn police officers.

Draft:

First

Charter Sections

Affected:

Section 4.127 (Police Department) would be amended. Section 16.123, under "Miscellaneous Provisions", would be added.

Summary:

In accordance with Proposition D, approved by the voters in November of 1994, Charter Section 4.127 currently includes language which mandates that the City maintain a police force consisting at all times of a minimum of 1,971 full duty sworn police officers. The proposed Charter Amendment would add language to Section 4.127 to incorporate the 188 sworn police officers assigned to the Airport Police Bureau, which was merged with the Police Department in 1997, to increase the total minimum staffing of the Police Department from 1,971 to 2,159, including the Airport Police Bureau. The proposed Charter Amendment would also add Charter Section 16.123 which would require the Controller to conduct a review of sworn and civilian staffing needs in the Police Department and recommend the conversion of sworn positions to civilian positions where appropriate. Under the proposed new Charter Section 16.123, if the Budget Analyst concurs with the Controller's recommendations for civilianization that implementation of such recommendations would not reduce the number of police officers dedicated to neighborhood community policing, patrol and investigations, and if such recommendations made by the Controller are implemented by the Mayor and the Board of Supervisors through the budgetary process, the number of required full duty sworn police officers could be reduced by the number of civilian positions added to the Police Department budget to perform civilian functions previously performed by sworn police officers.

BOARD OF SUPERVISORS
BUDGET ANALYST

Description: Charter Section 4.127 (Police Department), which includes amended language regarding minimum police staffing which was approved by the voters as Proposition D in November of 1994, states as follows:

POLICE STAFFING. The police force of the City and County shall at all times consist of not fewer than 1,971 full duty sworn officers. The staffing level of the Police Department shall be maintained with a minimum of 1,971 full duty sworn officers

The proposed Charter Amendment would add the following language to Charter Section 4.127 immediately following the language cited above:

Notwithstanding the above, upon the effective date of this amendment, the staffing level of the Police Department shall be maintained with a minimum of 2,159 full duty sworn officers or full-time equivalent positions. The additional 188 officers [2,159 less 1,971] represent police officers assigned to the airport, who were part of a separate agency when the original police staffing measure was adopted but now are part of the San Francisco Police Department. The 2,159 figure may be further adjusted pursuant to Section 16.123 (see below).

Charter Section 4.127 also includes the following language:

Further, the [Police] Commission shall initiate an annual review to civilianize as many positions as possible to maximize police presence in the communities and submit that report to the Board of Supervisors annually for review and approval.

The number of full duty sworn officers in the Police Department dedicated to neighborhood policing and patrol for fiscal year 1993-1994 shall not be reduced in future years, and all new full duty sworn officers authorized for the Police Department shall also be dedicated to neighborhood community policing, patrol and investigations. (In April of 1994, the

Police Department employed a total of 1,820 sworn police officers).

The proposed Charter Amendment would add the following language to Charter Section 4.127 immediately following the language cited above:

Patrols, investigations, and security and enforcement services conducted or provided by sworn San Francisco police officers at the Airport shall be considered "neighborhood community policing, patrol and investigations" for purposes of this Section.

As noted above, the proposed Charter Amendment would increase the minimum number of full duty sworn police officers by 188, from 1,971 to 2,159 to account for the number of sworn police officers assigned to the Airport Police Bureau, which is now part of the San Francisco Police Department. The proposed Charter Amendment would also permit future adjustments to the 2,159 full duty sworn police officer minimum staffing requirement pursuant to a proposed new Charter Section 16.123.

The proposed Charter Amendment would add the new Charter Section 16.123, entitled Civilian Positions Within the Police Department which would require the following:

The Controller shall review sworn and civilian staffing needs in the San Francisco Police Department. As part of that review, the Controller shall review police staffing levels and patterns in comparable jurisdictions, and best practices regarding police staffing.

The Controller shall also audit all positions in the Police Department and identify those positions that must be filled by sworn officers and those that could be filled by civilian personnel or that, under best practices in other jurisdictions, typically are filled by civilian personnel.

In conducting these studies, the Controller shall consult with the Board of Supervisors' Budget

Analyst, the Director of the Department of Human Resources, and the Chief of Police.

Upon the completion of these [reviews and audits], the Controller shall forward to the Mayor and the Board of Supervisors a list of positions in the Police Department currently filled by sworn officers that could be filled by civilian personnel.

Positions shall be converted from sworn to civilian as they become vacant. No sworn officer shall be laid off in order to convert a position to civilian personnel.

If the Mayor and the Board of Supervisors convert positions from sworn officers to civilian personnel through the budget process, the minimum staffing level set in Section 4.127 shall be reduced by the same number of positions if the Controller and the Budget Analyst jointly certify that the reduction will not decrease the number of police officers dedicated to neighborhood community policing, patrol and investigations.

As of the writing of this report, the Controller's Office had not completed the Controller's fiscal impact analysis for the proposed Charter Amendment. Ms. Peg Stevenson of the Controller's Office advises that the Controller will provide the Rules Committee with their analysis by the October 20, 2003 meeting.

Comment:

The Budget Analyst's Phase II Management Audit report on the Police Department, issued in May of 1998, found that since the voter approval of Proposition D in 1994, the Police Department had undergone a process of "reverse civilianization," in which an increasing number of sworn personnel are performing clerical, administrative and other functions that do not require peace officer status. After a review of sworn and civilian staffing patterns in other jurisdictions, the Budget Analyst found that there had been a trend towards greater civilianization in other large police departments in California and nationwide.

BOARD OF SUPERVISORS
BUDGET ANALYST

The management audit concluded that the Police Department was incurring as much as \$2.24 million per year in excess personnel costs (at FY 1997-98 salary levels) by using sworn personnel to perform administrative, technical support and/or other non-sworn police functions. This practice can also have a demoralizing effect on existing civilian employees who are being paid less for performing similar functions. Additionally, hiring civilian employees with greater expertise in functions currently being performed by sworn personnel would improve productivity.

As a result of these findings, the Budget Analyst recommended that the Board of Supervisors consider, as a policy matter, submitting a ballot measure to the electorate to amend Charter Section 4.127 (Proposition D) in order to facilitate the civilianization of sworn positions in the Police Department. Such civilianization would enable the Police Department to realize savings of up to \$2.24 million per year, based on FY 1997-98 salary levels, without reducing the level of police services.

The Attachment to this report includes a detailed listing of sworn positions performing civilian functions and the potential savings from civilianizing such sworn positions as presented in the Budget Analyst's 1998 Phase II Management Audit Report of the Police Department.

Recommendation:

Approval of the proposed Charter Amendment is a policy matter for the Board of Supervisors.

Attachment 3.1: Civilian Functions Performed by Sworn Personnel in the SFPD

Sec. Note *	SFPD Unit	Function	No. of Positions	Current Uniform Position	Maximum Annual Salary		Proposed Civilian Position	Annual Salary	Current Annual Cost	Proposed Annual Cost	Estimated Annual Savings	
					Annual Salary	Annual Salary						
Positions Recommended for Civilianization by Budget Analyst and Police Department:												
	Payroll	Research payroll matters; Maintain all payroll files	1	Q2 Police Officer	\$56,976	1220 Payroll Clerk	\$43,483	\$56,976	\$43,483	\$13,493		
	Payroll	Manage & direct activities of 9 payroll clerks & 1 clerk typist	1	Q2 Police Officer	\$56,976	1224 Principal Payroll & Personnel Clerk	\$52,931	\$56,976	\$52,931	\$4,045		
	Personnel	Manage transfer record keeping; Personnel data & statistics	1	Q2 Police Officer	\$56,976	1203 Personnel Technician	\$42,334	\$56,976	\$42,334	\$14,642		
	Medical Liaison	Assist Personnel Sergeant with workers compensation claims	1	Q2 Police Officer	\$56,976	1842 Management Assistant	\$49,460	\$56,976	\$49,460	\$7,517		
	Reports	Auto Stats entry (1); Report entry (1)	2	Q2 Police Officer	\$56,976	1720 Data Entry Operator	\$31,685	\$113,952	\$63,370	\$50,582		
	Reports	Data entry supervision	1	Q50 Sergeant	\$66,137	1727 Supervising Data Entry Operator	\$40,168	\$66,137	\$40,168	\$25,969		
	Support Services	Supervises daily operation of Records, Report entry & Teleserve	1	Q60 Lieutenant	\$75,560	A829 Manager, Permit & License Bureau or equivalent	\$70,802	\$75,560	\$70,802	\$4,758		
	Records	Copy, distribute & file reports; Perform clerical duties as required	16	Q2 Police Officer	\$56,976	1424 Clerk Typist	\$35,287	\$911,616	\$364,592	\$347,024		
	Records	Record Room supervision	5	Q50 Sergeant	\$66,137	AA67 Records Manager	\$50,056	\$330,685	\$250,280	\$80,405		
	Legal	Supports defense litigation; Claims investigations	2	Q380 Inspector	\$66,137	8173 Legal Assistant	\$51,939	\$132,274	\$103,878	\$28,396		
	Legal	Legal Division Commanding Officer; Court liaison; Court bailiffs	1	Q60 Lieutenant	\$75,560	0588 Court Coordinator	\$65,146	\$75,560	\$65,146	\$10,414		
	Legal		10	Q2 Police Officer	\$56,976	8304 Deputy Sheriff **	\$47,894	\$569,760	\$478,940	\$90,820		
	Legal	Supervises Court Liaison	1	Q50 Sergeant	\$66,137	8308 Sheriff's Sergeant **	\$58,516	\$66,137	\$58,516	\$7,621		
	Academy	Coordinate outside advanced training	3	Q2 Police Officer	\$56,976	1232 Training Officer	\$54,523	\$170,928	\$163,569	\$7,359		
	Academy	Fiscal & college course coordinator	1	Q2 Police Officer	\$56,976	1842 Management Assistant	\$49,460	\$56,976	\$49,460	\$7,516		
	Academy	Records & off-site training coordinator	1	Q2 Police Officer	\$56,976	1842 Management Assistant	\$49,460	\$56,976	\$49,460	\$7,516		
	Academy	Develop & maintain training video	2	Q2 Police Officer	\$56,976	7302 Audio-Visual Equipment Technician	\$39,776	\$113,952	\$79,552	\$34,400		
	Planning/ MIS	Personal computer maintenance & repairs	2	Q2 Police Officer	\$56,976	1807 MIS Technician II	\$31,920	\$113,952	\$63,840	\$50,112		
	Planning/ MIS	Telecommunications manager; Telecommunications repair	1	Q2 Police Officer	\$56,976	A805 Telecommunications Systems Director	\$42,047	\$56,976	\$42,047	\$14,929		
	Planning/ MIS	Publications; Print Shop coordination; Form development	1	Q2 Police Officer	\$56,976	1778 Reproduction Services Manager	\$45,623	\$56,976	\$45,623	\$11,353		
	Planning/ MIS	Facilities manager for all SFPD buildings	1	Q2 Police Officer	\$56,976	1842 Management Assistant	\$49,460	\$56,976	\$49,460	\$7,516		
	Planning/ MIS	Building maintenance coordinator	1	Q2 Police Officer	\$56,976	1842 Management Assistant	\$49,460	\$56,976	\$49,460	\$7,516		
	Planning/ MIS	Gym coordinator	1	Q2 Police Officer	\$56,976	1842 Management Assistant	\$49,460	\$56,976	\$49,460	\$7,516		

12

Attachment
Page 1 of 4

Sec Note	SFPD Unit	Function	No. of Positions	Current Uniform Position	Maximum Annual Salary	Proposed Civilian Position	Maximum Annual Salary	Current Annual Cost	Proposed Annual Cost	Estimated Annual Savings
	Planning/ MIS	CLETS coordinator; PC programmer & database developer	1	Q2 Police Officer	\$56,976	1872 Programmer Analyst	\$49,460	\$56,976	\$49,460	\$7,516
	Planning/ MIS	Research & special projects	1	Q60 Lieutenant	\$75,560	1802 Research Assistant	\$45,727	\$75,560	\$45,727	\$29,833
	Planning/ MIS	Personal computer & LAN manager; PC coordinator	1	Q2 Police Officer	\$56,976	1811 MIS Specialist I	\$44,005	\$56,976	\$44,005	\$12,971
	Fiscal	Assistant Fleet Manager	2	Q2 Police Officer	\$56,976	7410 Automotive Service Worker	\$39,411	\$113,952	\$78,822	\$35,130
	Fiscal	Fiscal analysis; Special projects	1	Q2 Police Officer	\$56,976	1820 Junior Administrative Analyst	\$42,152	\$56,976	\$42,152	\$14,824
	Fiscal	Grant administrators; Apply for & administer State & Federal grants	2	Q2 Police Officer	\$56,976	1842 Management Assistant	\$49,460	\$113,952	\$98,920	\$15,032
	Fiscal	Grant unit coordinator; Supervises	1	Q50 Sergeant	\$66,137	1844 Senior Management Assistant	\$56,689	\$66,137	\$56,689	\$9,448
	Fiscal	Grant Unit	1	Q50 Sergeant	\$66,137	1822 Administrative Analyst	\$55,332	\$66,137	\$55,332	\$10,805
	Fiscal	Enforcement Services Program	1	Q60 Lieutenant	\$75,560	1823 Senior Administrative Analyst	\$62,823	\$75,560	\$62,823	\$12,737
1	District Stations	Director, Police Law Enforcement Services Program	37	Q2 Police Officer	\$56,976	8213 Police Services Aide	\$45,075	\$2,108,112	\$1,667,775	\$440,337
	District Stations	Station Duty; Facilities/ Vehicles; Permits; Administration Subpoenas	5	Q2 Police Officer	\$56,976	8304 Deputy Sheriff	\$47,894	\$284,880	\$239,470	\$45,410
1	MUNI Detail	MUNI liaison; Statistics; Reports; Analysis	2	Q2 Police Officer	\$56,976	1803 Police Statistical Clerk	\$39,985	\$113,952	\$79,970	\$33,982
	Mounted Unit	Night watch stables	4	Q2 Police Officer	\$56,976	3310 Stable Attendant	\$35,627	\$227,904	\$142,508	\$85,396
	Crime Prev. HQ	Clerical	1	Q2 Police Officer	\$56,976	1424 Clerk Typist	\$35,287	\$56,976	\$35,287	\$21,689
1	Traffic Company	Statistics; Analysis; STOP	5	Q2 Police Officer	\$56,976	1803 Police Statistical Clerk	\$39,985	\$284,880	\$199,925	\$84,955
	ID Bureau	Telephone and computer work; Warrant checks; Mug shots	1	Q2 Police Officer	\$56,976	1406 Senior Clerk	\$34,269	\$56,976	\$34,269	\$22,707
	Photo Lab	Office & crime scene photographers	3	Q2 Police Officer	\$56,976	1770 Photographer	\$41,760	\$170,928	\$125,280	\$45,648
	Photo Lab	Office & crime scene photographers	4	0380 Inspector	\$66,137	1770 Photographer	\$41,760	\$264,548	\$167,040	\$97,508
	Photo Lab	Office & crime scene photographers	1	0380 Inspector	\$66,137	1774 Head Photographer	\$49,955	\$66,137	\$49,955	\$16,182
	Subtotal		131				\$7,684,768	\$5,801,239		\$1,883,529
Positions Recommended for Civilianization by Budget Analyst:										
2	Public Affairs	Press releases; Media relations	1	Q2 Police Officer	\$56,976	1312 Public Information Officer	\$47,789	\$56,976	\$47,789	\$9,187
3	Staff Inspection	Facility site inspections & internal audits	1	Q50 Sergeant	\$66,137	1844 Senior Management Assistant	\$56,689	\$66,137	\$56,689	\$9,448
4	CEO	Investigate CEO complaints	1	0380 Inspector	\$66,137	1233 CEO Programs Specialist	\$51,939	\$66,137	\$51,939	\$14,198
4	CEO	Investigate CEO complaints	1	Q50 Sergeant	\$66,137	1233 CEO Programs Specialist	\$51,939	\$66,137	\$51,939	\$14,198

Office of the Budget Analyst

Attachment 3.1: Civilian Functions Performed by Sworn Personnel in the SFPD

Sec. Note *	SFPD Unit	Function	No. of Positions	Current Uniform Position	Maximum Annual Salary		Proposed Civilian Position	Maximum Annual Salary		Current Annual Cost	Proposed Annual Cost		Estimated Annual Savings
					Salary	Salary		Salary	Salary		Cost	Annual Cost	
5	Backgrounds	Background investigations of applicants for sworn positions	3	Q2 Police Officer	\$56,976	\$56,976	1240 Assistant Personnel Analyst	\$43,378	\$43,378	\$170,928	\$130,134	\$40,794	
6	Recruitment	Conducts & monitors recruitment & retention programs	1	Q2 Police Officer	\$56,976	\$56,976	1240 Assistant Personnel Analyst	\$43,378	\$43,378	\$56,976	\$43,378	\$13,598	
7	Personnel	AIDA coordinator	1	Q50 Sergeant	\$66,137	\$66,137	5620 Regulatory Specialist	\$60,108	\$60,108	\$66,137	\$60,108	\$6,029	
8	Personnel	Investigation of disability claims	1	0380 Inspector	\$66,137	\$66,137	8139 Industrial Injury Investigator	\$48,729	\$48,729	\$66,137	\$48,729	\$17,408	
8	Personnel	Investigation of disability claims	2	Q50 Sergeant	\$66,137	\$66,137	8139 Industrial Injury Investigator	\$48,729	\$48,729	\$132,274	\$97,458	\$34,816	
9	Stress	Drug/alcohol treatment	1	Q2 Police Officer	\$56,976	\$56,976	2594 Employee Assistance Counselor	\$48,259	\$48,259	\$56,976	\$48,259	\$8,717	
10	Planning/ MIS	Telecommunications manager; Telecommunications repair	1	Q2 Police Officer	\$56,976	\$56,976	A805 Telecommunications Systems Director	\$42,047	\$42,047	\$56,976	\$42,047	\$14,929	
11	Planning/ MIS	Cable coordinator; Manages HOJ data system & WANG; Coordinates conversion to PC system; Strategic planner for MIS; Provides technical support	1	0380 Inspector	\$66,137	\$66,137	1818 MIS Specialist II	\$53,453	\$53,453	\$66,137	\$53,453	\$12,684	
12	Planning/ MIS	Oversees Planning/ MIS Division	1	Q80 Captain	\$88,714	\$88,714	0636 Division Chief or equivalent	\$76,160	\$76,160	\$88,714	\$76,160	\$12,554	
13	Property Control	Evidence booking & control	7	Q2 Police Officer	\$56,976	\$56,976	1920 Inventory Clerk	\$33,617	\$33,617	\$398,832	\$235,319	\$163,513	
14	Fiscal	Fleet Manager	1	Q2 Police Officer	\$56,976	\$56,976	7412 Automotive Service Worker Assistant Supervisor	\$43,169	\$43,169	\$56,976	\$43,169	\$13,807	
15	Fiscal	Chief Fiscal Officer; Supervise Fiscal & Accounting sections	1	Q80 Captain	\$88,714	\$88,714	1660 Manager, Budget & Performance Monitoring	\$78,770	\$78,770	\$88,714	\$78,770	\$9,944	
16	FOH HO	FOH HO office staff; Non-clerical functions	1	Q2 Police Officer	\$56,976	\$56,976	1842 Management Assistant	\$49,460	\$49,460	\$56,976	\$49,460	\$7,516	
Subtotal			26					\$1,618,140	\$1,214,800	\$403,340			
Total Positions Recommended for Civilianization			157					\$9,302,908	\$7,016,039	\$2,286,869			
Civilian Functions Which Could be Performed by Modified Duty Officers:													
Permits		Permit applications; Cost recovery	2	Q2 Police Officer	\$56,976	\$56,976	None	\$0	\$0	\$113,952	\$113,952	\$0	
Records		Copy, distribute & file reports; Perform clerical duties as required	2	Q2 Police Officer	\$56,976	\$56,976	None	\$0	\$0	\$113,952	\$113,952	\$0	
Teleserve		Take non-investigative police reports via telephone	9	Q2 Police Officer	\$56,976	\$56,976	None	\$0	\$0	\$512,784	\$512,784	\$0	
Teleserve		Supervise daily operation of Teleserve Unit	1	Q50 Sergeant	\$66,137	\$66,137	None	\$0	\$0	\$66,137	\$66,137	\$0	
Operations Center		Telephone notifications	6	Q2 Police Officer	\$56,976	\$56,976	None	\$0	\$0	\$341,856	\$341,856	\$0	
Operations Center		Telephone notifications	5	0380 Inspector	\$66,137	\$66,137	None	\$0	\$0	\$330,685	\$330,685	\$0	

See Note	Function	No. of Positions	Current Uniform Position	Maximum		Current Annual Cost	Proposed		Estimated Annual Savings
				Annual Salary	Proposed Civilian Position		Annual Cost	Annual Savings	
	SEPD Unit								
	Police Commission	1	0460 Commission Secretary	\$75,560	None	\$75,560	\$75,560	\$0	\$0
	Total - Modified Duty Positions	26				\$1,554,926	\$1,554,926	\$0	\$0
	Total - All Salaries					\$10,857,834	\$8,570,965	\$2,286,869	
	Fringe Benefits***					\$1,921,837	\$1,966,087	(\$44,251)	
	Total Civilian Functions Performed by Sworn Personnel	183				\$12,779,671	\$10,537,053	\$2,242,618	

* An entry in this column indicates that the Police Department did not completely concur with the Budget Analyst regarding the civiltization/elimination of this function.
See Notes to Attachment 3.1, which follow this table, for further details.

** Conversion would substitute Sworn Deputy Sheriff positions for Police Officers, resulting in net savings as indicated.

*** Fringe benefit calculations are based on 17.7 percent of base salary for sworn personnel and 24.1 percent of base salary for civilian personnel. The lower rate for sworn personnel is primarily because the City is not required to pay FICA taxes (6.2 percent of base salary) for sworn personnel.

Item 3 - File 03-1574

**Proposed Charter
Amendment:**

Charter Amendment adding Section 16.124 to authorize the Board of Supervisors to respond on behalf of the City to all orders or requests for the production of information, records, or other tangible items held by the City if the disclosure of such information could violate the rights of any individuals under the State or Federal Constitutions, where the orders or requests are made under laws previously identified by the Board.

Draft:

First

Description:

Current Federal laws, such as the USA PATRIOT Act, authorize the Federal government to either request or order information, records or tangible items which are held by the City. Such information, records or tangible items held by the City may contain information regarding private individuals, of which the disclosure of such information by the City may violate the constitutional rights of that private individual.

The proposed Charter Amendment, if approved by the voters, would add Section 16.124 to allow the Board of Supervisors to designate as a "watch law" any State or Federal law that requires the City to turn over any information, records, or tangible items held by the City. Designation of a State or Federal law as a "watch law" would be determined by approval of a resolution by the Board of Supervisors, if the Board of Supervisors concluded that any disclosure made by the City could violate the constitutional rights of the individuals involved.

Further, the proposed Charter Amendment authorizes the Board of Supervisors to respond on behalf of the City, to all orders or requests for the production of information, records, or other tangible items held by the City, if such orders or requests are made under laws identified by the Board of Supervisors as "watch laws". According to Mr. Tom Owen of the City Attorney's Office, currently,

BOARD OF SUPERVISORS
BUDGET ANALYST

individual City officers or City departments respond to requests or orders for the production of information, records or tangible items. Under the proposed Charter Amendment, any City officer or City department receiving a request made under a designated "watch law" would be required to immediately transmit the request to the Clerk of the Board, with the specific description of the type of records held by the City officer or City department that were covered by the request. The subject records would be sent to the Board of Supervisors, if specifically requested by the Board of Supervisors.

Under the proposed Charter Amendment, the Board of Supervisors would consult with the City Attorney to determine whether turning over the records would violate the constitutional rights of individuals involved in deciding appropriate responses to requests. Unless prohibited by State or Federal law, the Board of Supervisors would approve or deny requests for the production of information, records or tangible items made under "watch laws" in public. The Board of Supervisors would be able to delegate its authority to act under the proposed amendment to one or more of its members.

The Clerk of the Board of Supervisors would be required to prepare a report annually on all requests for the production of information, records and tangible items under designated "watch laws", and the responses by the Board of Supervisors, under the proposed Charter Amendment.

Comment:

As of the writing of this report, the Controller's Office had not completed the Controller's fiscal impact analysis for the proposed Charter Amendment. Ms. Peg Stevenson of the Controller's Office advises that the Controller will provide the Rules Committee with their analysis by the October 20, 2003 meeting.

Recommendation:

Approval of the proposed Charter Amendment is a policy matter for the Board of Supervisors.

Item 4 – File 03-1542

Departments: Department of Human Resources (DHR)
Sheriff's Department

Proposed Charter Amendment: Charter Amendment amending Sections A8.409 and A8.590 to reclassify Deputy Sheriffs as safety employees covered under the labor negotiation provisions set forth in Charter Section A8.590.

Draft: First

Charter Sections Affected: Sections A8.409 and A8.590

Description: Currently, Charter Section A8.409 is the City's labor negotiation and interest arbitration statute covering miscellaneous employees, including Deputy Sheriffs. The proposed Charter Amendment (File 03-1542) would reclassify Deputy Sheriffs as safety employees under Charter Section A8.590, the City's labor negotiation and interest arbitration statute covering uniformed employees of the Fire and Police Departments.

Comments: 1. Charter Section A8.590, which currently covers uniformed employees of the Fire and Police Departments, does not specify any timelines for completion of the labor negotiation and arbitration process. In contrast, Charter Section A8.409, which currently covers miscellaneous employees including Deputy Sheriffs, requires negotiation processes to be completed by the start of the new fiscal year. Mr. Phil Ginsburg of the City Attorney's Office advises that because Charter Section A8.590 does not specify any timelines, the following occurs:

- The negotiation process for uniformed employees of the Fire and Police Departments takes longer than the negotiation process for miscellaneous employees.

- The resulting memoranda of understanding (MOUs) for uniformed employees of the Fire and Police Departments have generally not been ratified until after the start of the new fiscal year, thereby requiring retroactive implementation.
- Uniformed employees of the Fire and Police Departments have historically negotiated “advantageous” MOUs as a result of trailing after all other MOUs are negotiated.

2. Another Charter Amendment under File 03-1543, Item No. 1 on the agenda for the October 20, 2003 Rules Committee meeting, proposes to amend Charter Section A8.590 to require labor negotiations for uniformed employees of the Fire and Police Departments to be completed within the same timelines as the labor negotiations for miscellaneous employees covered by Charter Section A8.409. In both cases, negotiations would have to be completed by the start of the new fiscal year. Therefore, if the subject proposed Charter Amendment (File 03-1542) as well as the other proposed Charter Amendment (File 03-1543) were both approved by the voters, the current labor negotiation deadline that requires completion by the start of the new fiscal year for Deputy Sheriffs would remain unchanged. However, if only the subject Charter Amendment were approved by the voters, then the MOUs for Deputy Sheriffs could take longer to negotiate and be more “advantageous” to Deputy Sheriffs, in line with Mr. Ginsburg’s comments above.

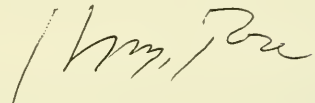
3. Ms. Michelle Allersma of the Controller’s Office advises that the Controller’s Office estimates that the subject Charter Amendment would be cost neutral. However, as of the writing of this report, the Controller’s Office had not completed the Controller’s fiscal impact analysis for the proposed Charter Amendment. Ms. Peg Stevenson of the Controller’s Office advises that the Controller will

October 20, 2003 Special Rules Committee Meeting

provide the Rules Committee with their analysis by the October 20, 2003 meeting.

Recommendation:

Approval of the proposed Charter Amendment is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc: Supervisor Hall
Supervisor Dufty
President Gonzalez
Clerk of the Board
Controller
Ben Rosenfield
Ted Lakey



City and County of San Francisco

Meeting Minutes

Rules Committee

Members: Tony Hall, Bevan Duffy and Matt Gonzalez

Clerk: Deborah Muccino

City Hall
1 Dr Carlton B
Goodlett Place
San Francisco, CA
94102-4689

Monday, October 20, 2003

10:30 AM

City Hall, Room 250

Special Meeting

Members Present: Tony Hall, Bevan Duffy, Matt Gonzalez.

MEETING CONVENED

The meeting convened at 10:45 a.m.

031543 [Charter Amendment - Tolling deadlines during recess, reducing the number of votes required when Board members are disqualified because of a conflict of interest, limiting hold-over appointments, and setting deadlines for police and fire negotiations.]

Supervisor Gonzalez

Charter Amendment (First Draft) to amend Section A8.590 to provide for timelines for completion of Police and Fire negotiations identical to those already in place for other employee labor negotiations under Charter Section A8.409.

9/15/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/16/2003

Heard in committee. Speakers: John Hanley; Joe Moriarity; Chris Cunnie.

10/20/03 Amendment of the whole bearing new title.

Continued to meeting on October 27, 2003.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

Charter Amendment (Second Draft) to amend Sections 2.103, 2.104, and Article XVII, by adding Section 4.101-1, and by amending Section A8.590-5, to toll deadlines for action by the Board when the Board is in recess, to reduce the number of votes required at the Board of Supervisors for various actions when one or more Board members are disqualified from voting on a matter because of a conflict of interest, to limit hold-over appointments to 60 days, and to set deadlines for completing contract negotiations with police and fire employees.

CONTINUED by the following vote:

Ayes: 3 - Hall, Duffy, Gonzalez

DOCUMENTS DEPT.

OCT 22 2003

SAN FRANCISCO
PUBLIC LIBRARY

- 031561** [Charter Amendment - Allowing the City to reduce the minimum police staffing level after conducting a study of which positions could be filled by civilian personnel rather than sworn officers.]

Supervisor Ammiano

Charter amendment (First Draft) to amend Section 4.127 and to add Section 16.123, to: increase the minimum police staffing level by 188 officers to include Airport Police; provide for a study of which positions in the Police Department could be filled by civilian personnel rather than sworn officers; allow the City to reduce the minimum police staffing level for each position it converts from sworn to civilian, without decreasing the number of police officers dedicated to neighborhood community policing, patrol, and investigations; and, provide that no police officer shall be laid off in order to convert a position from sworn to civilian.

9/16/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/16/2006.

Heard in committee. Speakers: Tom Owen, Deputy City Attorney; Ed Harrington, Controller; Chris Cunnie. 10/20/03 Amendment of the whole bearing new title.

Continued to meeting on October 27, 2003.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

Charter amendment (Second Draft) to amend Section 4.127 and to add Section 16.123, to: provide for a study of which positions in the Police Department could be filled by civilian personnel rather than sworn officers; allow the City to reduce the minimum police staffing level for each position it converts from sworn to civilian, without decreasing the number of police officers dedicated to neighborhood community policing, patrol, and investigations; and, provide that no police officer shall be laid off in order to convert a position from sworn to civilian.

CONTINUED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

- 031574** [Charter Amendment - Board of Supervisors to respond to all orders or requests for the production of City records under designated state and federal laws]

Supervisor McGoldrick

Charter amendment (First Draft) to add Section 16.124 to authorize the Board of Supervisors to respond on behalf of the City to all orders or requests for the production of information, records, or other tangible things held by the City, the disclosure of which could violate the rights of any individuals under the State or Federal Constitutions, where the orders or requests are made under laws previously identified by the Board.

9/16/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/16/2003.

Heard in committee. Speakers: Jerry Threet, Aide to Supervisor McGoldrick; Tom Owen, Deputy City Attorney; Ted Lakey, Deputy City Attorney.

Continued to the meeting on October 27, 2003.

CONTINUED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

- 031542** [Charter Amendment - Reclassify Deputy Sheriffs as Safety Employees Covered Under Charter Section A8.590-1 et seq.]

Supervisors Ma, Daly, Dufty

Charter amendment (First Draft) to amend Sections A8.409 and A8.590 to reclassify Deputy Sheriffs as safety employees covered under the labor negotiation provisions set forth in Charter Section A8.590.

9/16/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/16/2003

Heard in committee. Speakers: Dave Helm; Chris Cunnie; David Wong. 10/20/03 Amendment of the whole bearing new title.

Continued to meeting on October 27, 2003.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

Charter amendment (Second Draft) to amend Sections A8.409 and A8.590-1 et seq. to reclassify Deputy Sheriffs as safety employees covered under Charter Section A8.590-1 et seq.

CONTINUED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

ADJOURNMENT

The meeting adjourned at 12:23 p.m.



City and County of San Francisco

Government Documents Section
Main Library (2 copies)

Meeting Agenda

Rules Committee

Members: Tony Hall, Bevan Dufty and Matt Gonzalez

Clerk: Deborah Muccino

Wednesday, October 22, 2003

9:30 AM

City Hall, Room 250

Regular Meeting

Note: Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation
- 2) Budget Analyst report
- 3) Legislative Analyst report
- 4) Department or Agency cover letter and/or report
- 5) Public correspondence

These items will be available for review at City Hall, Room 244, Reception Desk.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding City representatives, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance.

AGENDA CHANGES

DOCUMENTS DEPT.

REGULAR AGENDA

OCT 17 2003

SAN FRANCISCO
PUBLIC LIBRARY

10-17-03A10:51 RCVD

1. **030857** **[Charter Amendment - Retirement Benefits for District Attorneys, Public Defenders and Public Defender Investigators]**
Supervisors Gonzalez, Sandoval, Hall
Charter amendment (Third Draft) to add Appendix A8.583 relating to retirement benefits for attorneys in the District Attorney's and Public Defender's offices and Public Defender Investigators.

7/8/03 Amendment of the whole bearing same title.

5/13/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/12/2003.
6/18/03, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in committee. Speakers: John Dwyer; Dan Maguire, Deputy City Attorney.
6/18/03 Amendment of the whole bearing same title. Continued to June 25, 2003.
6/18/03, CONTINUED AS AMENDED.
6/25/03, CONTINUED. Heard in committee. Speakers: None.
Continued to July 2, 2003.
7/2/03, RECOMMENDED AS COMMITTEE REPORT. Heard in committee. Speakers: Ted Lakey, Deputy City Attorney; Jim Andrews; Mike Farrah, Aide to Supervisor Newsom.
7/2/03 Recommended as a committee report "Without recommendation."
7/8/03, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.
7/8/03, CONTINUED AS AMENDED. Continued to July 15, 2003 with the Board Sitting as a Committee of the Whole.
7/15/03, RE-REFERRED to Rules Committee.
10/8/03, CONTINUED. Speakers: None.

Continued to October 22, 2003.
2. **031547** **[Charter Amendment - Tax-deferred transfer of accrued vacation, sick leave and other compensation to employees]**
Supervisor Sandoval
Charter amendment (First Draft) to add Section A8.599 to authorize the City and County to establish plans for the tax-deferred treatment of accrued compensation payable to employees.

9/16/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/16/2003.
3. **031562** **[Charter Amendment - Retirement System benefits for domestic partners]**
Supervisors Ammiano, Dufty
Charter amendment (Second Draft) to add Section 16.125 authorizing the Board of Supervisors to amend or repeal provisions of the Domestic Partnership Ordinance to effectuate the voters' intent that domestic partners be afforded the same rights and responsibilities as spouses, and adding Section A8.500-3 so that domestic partners are treated exactly the same as spouses for benefits under the Retirement System.

9/16/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/16/2003.
9/30/03, SUBSTITUTED. Supervisor Ammiano submitted a substitute Charter amendment bearing new title.
9/30/03, ASSIGNED to Rules Committee.
4. **031541** **[Charter Amendment - Supplemental Compensation for Employees on Military Leave]**
Supervisor Newsom
Charter amendment (First Draft) to amend Section A8.400 (h) to allow for employees called to active duty to receive supplemental compensation for a period to be specified by ordinance.

9/16/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/16/2003.

5. 031544 [Unfinished business from adjourned Board meetings to be scheduled for next regularly scheduled Board meeting]
Supervisor Gonzalez
Motion amending the Rules of Order of the Board of Supervisors by adding Rule 3.14, which directs that when the Board of Supervisors adjourns a meeting of the Board and unfinished items of business remain on the agenda for the adjourned meeting, the Clerk of the Board of Supervisors shall reschedule those unfinished items of business for the agenda of the next regularly scheduled meeting of the Board.
- 9/16/03, RECEIVED AND ASSIGNED to Rules Committee.
10/8/03, CONTINUED. Heard in Committee. Speakers: Gloria L. Young, Clerk of the Board; Ted Lakey, Deputy City Attorney, City Attorney's Office.
- Continued to the October 22, 2003 meeting.
6. 031734 [Appointment - California State Association of Counties]
Resolution appointing Supervisor Jake McGoldrick, term ending November 28, 2004, to the California State Association of Counties Board of Directors.
- 10/7/03, RECEIVED AND ASSIGNED to Rules Committee.
7. 031735 [Appointment - California State Association of Counties]
Resolution appointing Supervisor Gerardo Sandoval, term ending November 28, 2004, to the California State Association of Counties Board of Directors.
- 10/8/03, RECEIVED AND ASSIGNED to Rules Committee.

ADJOURNMENT

IMPORTANT INFORMATION

NOTE: Persons unable to attend the meeting may submit to the City, by the time the proceedings begin, written comments regarding the agenda items above. These comments will be made a part of the official public record and shall be brought to the attention of the Board of Supervisors. Any written comments should be sent to: Committee Clerk of the Rules Committee, San Francisco Board of Supervisors, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102 by 5:00 p.m. on the day prior to the hearing. Comments which cannot be delivered to the committee clerk by that time may be taken directly to the hearing at the location above.

LEGISLATION UNDER THE 30-DAY RULE

(Not to be considered at this meeting)

Rule 5.40 provides that when an ordinance or resolution is introduced which would CREATE OR REVISE MAJOR CITY POLICY, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. The provisions of this rule shall not apply to the routine operations of the departments of the City or when a legal time limit controls the hearing timing. In general, the rule shall not apply to hearings to consider subject matter when no legislation has been presented, nor shall the rule apply to resolutions which simply URGE action to be taken.

031503 [New administrative debarment procedure]**Supervisor Peskin**

Ordinance adding a new Chapter 28 to the San Francisco Administrative Code to establish a City-wide administrative debarment procedure; amending Chapter 6 of the Administrative Code to reflect the adoption of the new Chapter 28.

8/26/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 9/25/2003.

031542 [Charter Amendment - Reclassify Deputy Sheriffs as Safety Employees Under Charter Section A8.590]**Supervisors Ma, Daly, Dufty**

Charter amendment (First Draft) to amend Sections A8.409 and A8.590 to reclassify Deputy Sheriffs as safety employees covered under the labor negotiation provisions set forth in Charter Section A8.590.

9/16/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/16/2003.

031543 [Charter Amendment - Police and Fire Negotiation Timelines]**Supervisor Gonzalez**

Charter Amendment (First Draft) to amend Section A8.590 to provide for timelines for completion of Police and Fire negotiations identical to those already in place for other employee labor negotiations under Charter Section A8.409.

9/15/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/16/2003.

031560 [Charter Amendment - appointment of a City Engineer responsible for the design and construction management of all public buildings and public works]**Supervisor Ammiano**

Charter amendment (First Draft) to amend Section 4.130 to provide for appointment of a City Engineer responsible for the design and construction management of all public buildings and public works.

9/16/03, RECEIVED AND ASSIGNED to Rules Committee.

9/23/03, SUBSTITUTED. Supervisor Ammiano submitted a substitute Charter amendment bearing new title.

9/23/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/23/2003.

- 031561 [Charter Amendment - Allowing the City to reduce the minimum police staffing level after conducting a study of which positions could be filled by civilian personnel rather than sworn officers]**

Supervisor Anuniano

Charter amendment (First Draft) to amend Section 4.127 and to add Section 16.123, to: increase the minimum police staffing level by 188 officers to include Airport Police; provide for a study of which positions in the Police Department could be filled by civilian personnel rather than sworn officers; allow the City to reduce the minimum police staffing level for each position it converts from sworn to civilian, without decreasing the number of police officers dedicated to neighborhood community policing, patrol, and investigations; and, provide that no police officer shall be laid off in order to convert a position from sworn to civilian.

9/16/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/16/2006.

- 031567 [Charter Amendment - San Francisco Department of Public Health]
Supervisors Daly, Gonzalez**

Charter amendment (First Draft) to repeal Section 4.110 regarding the Health Commission and adding Article VIIIC, to provide additional increase the autonomy and fiscal authority to of the Health Commission and require greater change the qualifications of Health Commissioners, establish a stable baseline funding level for the Department of Public Health, streamline administrative operations and reduce contracting bureaucracy, ensure the continued operation of County hospitals and clinics, and programs for the chronically ill, designate universal healthcare as one of the Department's top advocacy priorities, establish a baseline funding level for the Department of Public Health and for programs helping San Franciscans with chronic illnesses, guarantee the operation of county hospitals and clinics, establish create enhanced coordination levels for of trauma care, guarantee culturally competent care through community-based primary care clinics, require maintain operation of the Mental Health Rehabilitation Facility, and establish as a goal, pay equity for nonprofit and City workers performing similar jobs for the Department of Public Health.

(Fiscal impact.)

9/16/03, RECEIVED AND ASSIGNED to Rules Committee.

9/23/03, SUBSTITUTED to Board of Supervisors. Supervisor Daly submitted a substitute Charter amendment bearing new title.

9/23/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/23/2003.

- 031569 [Charter Amendment - Commission on Aging to Commission on Aging and Adult Services]
Supervisor Daly**

Charter amendment (First Draft) to amend Section 4.120 to change the name of the Commission on Aging to Commission on Aging and Adult Services.

9/16/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/16/2003.

031574 [Charter Amendment - Board of Supervisors to respond to all orders or requests for the production of City records under designated state and federal laws]

Supervisor McGoldrick

Charter amendment (First Draft) to add Section 16.124 to authorize the Board of Supervisors to respond on behalf of the City to all orders or requests for the production of information, records, or other tangible things held by the City, the disclosure of which could violate the rights of any individuals under the State or Federal Constitutions, where the orders or requests are made under laws previously identified by the Board.

9/16/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/16/2003.

031655 [Post-Employment Restrictions for Former City Employees]

Supervisor Newsom

Draft ordinance adding Chapter 8, Activities of Former Officers and Employees, to Article III of the Campaign and Governmental Conduct Code; moving Section 3.545 of the Campaign and Governmental Conduct Code to Section 3.800; and adding prohibitions to prevent former City employees, for a period of two years, from communicating on behalf of any other person or entity, other than the City and County of San Francisco, with an elected public official who was the former employee's appointing authority or City employees who are current appointees of that appointing authority.

9/30/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/30/2003.

031656 [Campaign Consultants Lobbying Current and Former Clients]

Supervisor Newsom

Draft ordinance amending Article II, Chapter I, Section 2.100, adding Section 2.117 to Article II, Chapter I, and adding Section 1.545 to Article I, Chapter 5 of the Campaign and Governmental Conduct Code to prohibit campaign consultants and employees of campaign consultants from lobbying current and former clients.

9/30/02, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/30/2003.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board has several standing Committees where ordinances and resolutions are the subject of hearings at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience at a Committee meeting to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers, and similar sound-producing electronic devices; 3) signs to be brought into the meeting or displayed in the room; 4) standing in the meeting room.

Citizens are encouraged to testify at Committee meetings and to write letters to the Clerk of a Committee or to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Agenda are available on the internet at www.sfgov.org/bdsupvrs.bos.htm.

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT CITY HALL, ROOM 244, RECEPTION DESK.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.

Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact Ohn Myint at (415) 554-7704.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

翻譯 必須在會議前最少四十八小時提出要求
請電 (415) 554-7701

Disability Access

Both the Committee Room (Room 263) and the Legislative Chamber are wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

All meetings are real-time captioned and are cablecast open-captioned on SF Cable 26.

The following services are available when requested 48 hours before the Committee meeting. This advance notice will help ensure availability.

- For American Sign Language interpreters or use of a reader during a meeting, contact Ohn Myint at (415) 554-7704.

- For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.

- Assistive listening devices are available from the receptionist in the Clerk of the Board's Office, Room 244, prior to the meeting.

- The Clerk of the Board's Office TTY number is (415) 554-5227.

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The Sunshine Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall; by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102 by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at Donna.Hall@sfgov.org. Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine.htm>

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

[Budget Analyst Report]

Susan Hom

Main Library-Govt. Doc. Section

CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

October 16, 2003

TO: Rules Committee

DOCUMENTS DEPT.

FROM: Budget Analyst

OCT 21 2003

SUBJECT: October 22, 2003 Rules Committee Meeting

SAN FRANCISCO
PUBLIC LIBRARY

Item 1 - File 03-0857

Note: This item was continued by the Rules Committee at its meeting of October 8, 2003.

Department: Retirement

Proposed Charter
Amendment:

Charter Amendment (Third Draft) adding Section A8.583 to provide for a change in the retirement compensation for attorneys in the District Attorney's Office and the Public Defender's Office and for Public Defender's Investigators.

Draft: Third

Charter Sections
Affected:

Section A8.583

Description:

Currently, attorneys in the District Attorney's Office and Public Defender's Office and Public Defender's Investigators receive the same level of compensation upon retirement as provided to miscellaneous City employees who are members of the San Francisco Employees Retirement System (SFERS), under Charter Sections A8.509 and A8.587. Under the existing Charter Sections A8.509 and A8.587, miscellaneous City employees who are members of SFERS, including attorneys in the

BOARD OF SUPERVISORS

BUDGET ANALYST

District Attorney's Office and Public Defender's Office and Public Defender's Investigators, who are 50 years of age and have 20 years of service in the SFERS, are eligible to retire. Such employees receive retirement compensation, equal to one percent for each year of service, times the annual compensation for the year in which the employee received the highest compensation.

Under the proposed Charter Amendment, attorneys in the District Attorney's Office and Public Defender's Office and Public Defender's Investigators, would receive increased retirement compensation. The proposed Charter Amendment provides that an employee in the subject classifications who is 50 years of age with at least five years of service in SFERS, compared to 20 years of service under the existing Charter provision, would be eligible for retirement. An eligible employee who is 50 years of age with at least five years of service in SFERS would receive retirement compensation equal to 2.4 percent for each year of service, compared to one percent under the existing Charter provisions, times the annual compensation for the year in which the employee received the highest compensation.

For example, under the existing Charter provisions, a miscellaneous City employee who is 50 years of age with 20 years of service in SFERS, and whose highest level of compensation in a given year is \$80,000, receives annual retirement compensation equal to one percent times 20 years times \$80,000, or 20 percent of \$80,000, which equals \$16,000 per year. Under the proposed Charter Amendment, an eligible employee who is 50 years of age with 20 years of service in SFERS¹, and whose highest level of compensation in a given year is \$80,000, would receive annual retirement compensation equal to 2.4 percent times 20 years times \$80,000, or 48 percent of \$80,000, which equals \$38,400 per year, which is \$22,400 or 140 percent more than the \$16,000 in annual

¹ For purposes of comparison, this report estimates retirement benefits under the proposed Charter Amendment for an employee who is 50 years of age with 20 years of service. However, the proposed Charter Amendment provides eligibility for retirement benefits for an employee who is 50 years of age with 5 years of service. Therefore, an eligible employee who is 50 years of age with 5 years of service and whose highest level of compensation in a given fiscal year is \$80,000, would receive annual retirement compensation equal to 2.4 percent times 5 years times \$80,000, or 12 percent of \$80,000, which equals \$9,600 per year.

retirement compensation which such employee would receive under the existing Charter provisions.

Also, under the existing Charter Sections A8.509 and A8.587, the retirement compensation formula increases by one-quarter of one-tenth of one percent (0.00025) every three months as shown in Attachment I, resulting in retirement compensation for a miscellaneous City employee who is 60 years of age with at least 10 years of service, equal to two percent for each year of service times the annual compensation for the year in which the employee received the highest compensation (one percent at age 50, increasing every three months by one-quarter of one-tenth of one percent, resulting in a maximum of two percent at age 60 as shown in Attachment I).

Under the proposed Charter Amendment, the retirement compensation formula increases by three-tenths of one-tenth of one percent (0.00030) every three months as shown in Attachment II, resulting in retirement compensation for an eligible employee who is 55 years of age, equal to three percent for each year of service times the annual compensation for the year in which the employee received the highest compensation (2.4 percent at age 50, increasing every three months by three-tenths of one-tenth of one percent, resulting in a maximum of three percent at age 55 as shown in Attachment II).

Therefore, under the existing Charter provision, a miscellaneous City employee who is 55 years of age with 20 years of service in SFERS, and whose highest level of compensation in a given year is \$80,000, receives annual retirement compensation equal to 1.5 percent² times 20 years times \$80,000, or 30 percent of \$80,000, which equals \$24,000 per year. Under the proposed Charter Amendment, an eligible employee who is at least 55 years of age with 20 years of service in SFERS, and whose highest level of compensation in a given year is \$80,000, would receive annual retirement compensation equal to three percent times 20 years times \$80,000, or 60 percent

² Under the existing Charter provisions, the retirement benefit calculation formula increases every three months, as noted above, and equals 1.5 percent times years of service times highest annual income at age 55 and 2.0 percent times years of services times highest annual income at age 60. For purposes of comparison, this report calculates retirement benefits for employees at age 55 under the existing Charter provision and the proposed Charter Amendment.

of \$80,000, which equals \$48,000 per year, which is \$24,000 or 100 percent more than under the existing Charter provision.

The proposed Charter Amendment contains a provision which would increase the cap on retirement compensation from the current cap of 75 percent of the highest level of compensation in a given year to 90 percent of the highest level of compensation in a given year.

In addition to the provisions noted above, the proposed Charter Amendment would require the City to take all steps necessary to insure that attorneys in the District Attorney's Office and the Public Defender's Office, and Public Defender's Investigators are considered police officers for purposes of the Federal Social Security Act, which would eliminate the need for the City to fund Social Security benefits for such employees.

According to Ms. Murphy, Executive Director of the Employees Retirement System, the proposed Charter Amendment also contains a provision, which would require an employee retirement contribution rate of 12 percent of covered payroll for the period of July 1, 2003 through June 30, 2023 (20 years).

Fiscal Impact:

Ms. Murphy states in her memorandum of July 7, 2003, included as Attachment III, that,

As a result of the revisions proposed at the Rules Committee meeting of July 2, 2003 a second cost analysis has been prepared by Towers Perrin, Consulting actuary to the San Francisco Employees' Retirement System and Board. The final cost analysis takes into account the proposal that members covered by this new plan pay 12.0 percent of covered gross salary (all earnings less any overtime pay). The most recent cost analysis finds that the normal cost increase is \$0.7 million per year and a one-time increase of approximately \$30.7 million increase in actuarial accrued liability. The total employer cost of this proposal is \$4.0 million per year for the next twenty years and \$0.7 million increasing with payroll thereafter.

Attachment IV, provided by Ms. Murphy is a copy of the revised actuarial report submitted by Towers Perrin.

As noted in the memorandum included as Attachment V provided by the Controller, the Controller's Office reports that under the proposed Charter Amendment, "The net new cost to the City of the proposal could range from \$1.2 million, if both Social Security and retirement contribution savings can be realized, to \$4.0 million annually, if neither can be realized. The final cost to the City would depend on the outcome of negotiations and determinations on these issues."

Comments:

1. The proposed Charter Amendment contains a provision which would increase the employee retirement contribution rate to 12 percent of covered payroll for the period of July 1, 2003 through June 30, 2023 (20 years), which is 4.5 percent more than the current employee contribution rate of 7.5 percent of covered payroll. Further, Ms. Murphy advises that the proposed Charter Amendment provides that the employee retirement contribution rate would return to 7.5 percent of covered payroll beginning on July 1, 2023.

2. As previously noted, the proposed Charter Amendment would require the City to take all steps necessary to insure that employees in the subject classifications are considered police officers for purposes of the Federal Social Security Act, which would allow such employees to withdraw from the Social Security System. According to Ms. Murphy, if the subject classifications are allowed to withdraw from the Social Security System, the City would achieve annual savings equal to approximately 6.25 percent of the first \$87,000 of covered salaries for the subject classifications. According to Ms. Allersma of the Controller's Office, the estimated potential annual savings to the City would total approximately \$1.1 million based on approximately \$17.3 million in covered salaries for the subject classifications (6.25 percent of approximately \$17.3 million equals approximately \$1.1 million). However, Ms. Murphy advises that it is uncertain whether the Social Security Administration would consider the subject classifications as police officers for purposes of the Federal Social Security Act due to Federal Social Security regulations.

BOARD OF SUPERVISORS
BUDGET ANALYST

Recommendation: Approval of the proposed Charter Amendment is a policy matter for the Board of Supervisors.

Existing

Age at Retirement	Percent for Each Year of Credited Service
50	1.0000
50 1/4	1.0250
50 1/2	1.0500
50 3/4	1.0750
51	1.1000
51 1/4	1.1250
51 1/2	1.1500
51 3/4	1.1750
52	1.2000
52 1/4	1.2250
52 1/2	1.2500
52 3/4	1.2750
53	1.3000
53 1/4	1.3250
53 1/2	1.3500
53 3/4	1.3750
54	1.4000
54 1/4	1.4250
54 1/2	1.4500
54 3/4	1.4750
55	1.5000
55 1/4	1.5250
55 1/2	1.5500
55 3/4	1.5750
56	1.6000
56 1/4	1.6250
56 1/2	1.6500
56 3/4	1.6750
57	1.7000
57 1/4	1.7250
57 1/2	1.7500
57 3/4	1.7750
58	1.8000
58 1/4	1.8250
58 1/2	1.8500
58 3/4	1.8750
59	1.9000
59 1/4	1.9250
59 1/2	1.9500
59 3/4	1.9750
60	2.000*

Proposed

<u>Retirement Age</u>	<u>Percent for Each Year of Credited Service</u>
<u>50</u>	<u>2.400</u>
<u>50.25</u>	<u>2.430</u>
<u>50.5</u>	<u>2.460</u>
<u>50.75</u>	<u>2.490</u>
<u>51</u>	<u>2.520</u>
<u>51.25</u>	<u>2.550</u>
<u>51.5</u>	<u>2.580</u>
<u>51.75</u>	<u>2.610</u>
<u>52</u>	<u>2.640</u>
<u>52.25</u>	<u>2.670</u>
<u>52.5</u>	<u>2.700</u>
<u>52.75</u>	<u>2.730</u>
<u>53</u>	<u>2.760</u>
<u>53.25</u>	<u>2.790</u>
<u>53.5</u>	<u>2.820</u>
<u>53.75</u>	<u>2.850</u>
<u>54</u>	<u>2.880</u>
<u>54.25</u>	<u>2.910</u>
<u>54.5</u>	<u>2.940</u>
<u>54.75</u>	<u>2.970</u>
<u>55+</u>	<u>3.000</u>



July 7, 2003

Ms. Gloria L. Young
Clerk of the Board
Board of Supervisors
Room 244, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Subject: File Number 03-0857
Retirement Benefits for District Attorneys, Public Defenders
and Public Defender Investigators (Second Draft)

Dear Ms. Young,

This letter provides the cost and effect analysis required in Charter Section A8.500 for all additions or proposed changes to the San Francisco Employees' Retirement System. This proposed Charter Amendment adds a new plan covering District Attorneys, Public Defenders, and Public defender Investigators. This group of employees has been covered under the provisions governing benefit rights of miscellaneous employees.

Effect of the Proposal

The effect of this proposed Charter Amendment is to create a fourth category of participants within the San Francisco Employees' Retirement System, the first such addition since 1922. The proposal defines the new group and the benefits which are applicable to the new group. The benefits proposed can be quickly described by comparison to the existing plans covering other groups:

1. Service retirement benefits mirror those provided to police officers and fire fighters entering service on or after January 1, 2003 (Proposition H, November 2002),
2. Vesting Retirement benefits equivalent to miscellaneous members,
3. Death and Disability benefits equivalent to miscellaneous members with continuant characteristics consistent with those provided to police officers and fire fighters,
4. Cost of Living benefits equivalent to those provided all members hired on or after November 2, 1976.

While this proposal arises out of a California state legislation authorizing local jurisdictions to create such enhanced benefits, no presentations of risk, or need for shorter career length have been presented regarding the exceptional increases in benefits by this proposal. The benefit plans created

Letter to Gloria L. Young
 Board of Supervisors (File Number 03-0857)
 July 7, 2003
 Page 2

to cover police officers and fire fighters were the earliest retirement plans created to cover public employees and were designed to mitigate the risks of death and disability to officers sworn to protect the lives and property of the citizens and residents of the given jurisdiction. Over time police officer and fire fighter plans have evolved to provide benefits at younger ages to recognize the need for healthy and able officers and to mitigate against death and disability costs. With the limited exception of legislators and judges, all other employees have been provided benefits which are based on formulas which weight age at retirement, years of service and a measure of the final salary of the member. The reasoning for creating a separate benefit plan with maximum age factor occurring at age 55 and maximum benefit at 90% of final annual salary is not presented.

Further, the exceptional factors which should distinguish these employees from other attorneys, health or planning inspectors, or any other employees, now characterized as miscellaneous, are not described. While the benefit levels provided to police officers and fire fighters have been coveted by many city and county employees, there are clear risks and reasons for providing the higher benefit levels and shorter required career lengths, also the citizens and residents can measure clear benefits which result from the enhanced retirement benefits.

Cost of the Proposal

This proposed Charter Amendment will increase the cost of the San Francisco Employees' Retirement System by enhancing the pension benefits payable to all current employees serving in listed positions, summarized as district attorneys, public defenders, and public defender investigators. All future hires to the listed classifications will earn benefits under the enhanced formula. The group consists of 212 participants.

The following cost analysis was prepared based on provisions proposed as of June 22, 2003. The estimated increase resulting from this proposal consists of two components, a normal cost increase of approximately \$153,000 per year and a past service cost of approximately \$19,759,000. Utilizing the amortization methodology provided for in charter section 12.100, of not more than 20 years, the annual cost is approximately \$3,130,000 consisting of \$153,000 normal cost and \$2,977,000 to amortize the increase in benefits for service rendered prior to the creation of the new plan. Attached is a letter from Towers Perrin, consulting actuary to the San Francisco Employees' Retirement System and Board, detailing the actuarial methodology and costs summarized above.

As a result of the revisions proposed at the Rules Committee meeting of July 2, 2003 a second cost analysis has been prepared by Towers Perrin, Consulting actuary to the San Francisco Employees' Retirement System and Board. The final cost analysis takes into account the proposal that members covered by this new plan pay 12.0% of covered gross salary (all earnings less any overtime pay). The most recent cost analysis finds that the normal cost increase is \$0.7million per year and a one-time increase of approximately \$30.7million increase in actuarial accrued liability. The total employer cost of this proposal is \$4.0 million per year for the next twenty years and \$0.7 million increasing with payroll thereafter. Attached is the Towers Perrin cost analysis.

Letter to Gloria L. Young
 Board of Supervisors (File Number 03-0857)
 July 7, 2003
 Page 3

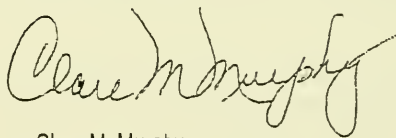
It should be noted that the proposal feature requiring 12.6% contribution rate by employees is exceptional when compared with participant contribution rates for either safety or miscellaneous members of all California public pension plans. This 12.6% contribution rate when added to 6.25% Old Age and Survivors, and Disability Insurance (OASDI) tax results in a very high commitment of \$19,687.50 annually to finance post retirement income streams for the average member of the group. This level of employee contributions will have a significant impact on recruitment of future employees for the covered group.

Non-Retirement Cost Factors

The proposed Charter Amendment requires the City and County to take all steps necessary to exclude the covered group from Social Security coverage. In the event that such steps succeed in removing the group and all future members from coverage under Federal Social Security Act, both the employee and employer will experience the elimination of OASDI payroll taxes, presently 6.25% of the first \$87,000 of annual earnings. The impact of such tax elimination has not been included in the San Francisco Employees' Retirement System cost analysis.

Representatives of the San Francisco Employees' Retirement System will attend the July 8, 2003 Board of Supervisors meeting and will be available to answer questions.

Very truly yours,



Clare M. Murphy
 Executive Director

cc: Mayor Willie L. Brown, Jr.
 Supervisor Matt Gonzalez, President, Board of Supervisors
 Supervisor Tony Hall, Chair, Rules Committee
 Supervisor Bevan Dufty, Vice Chair, Rules Committee
 Deborah Muccino, Clerk, Rules Committee
 Harvey Rose, Budget Analyst
 Leanne Nhan, Office of the Budget Analyst
 Severin Campbell, Office of the Budget Analyst

Ed Harrington, Controller
Peg Stevenson, Controller's Office
Dennis Herrera, City Attorney
John Dwyer, District Attorney
Dennis Cashman, District Attorney
Tom Owen, President Municipal Attorneys Association

525 Market Street, Suite 2900
San Francisco, CA 94105-2708
415 836-1088
Fax: 415 836-1350
E-mail: finertl@towers.com

Towers Perrin

July 7, 2003

Ms. Clare Murphy
Executive Director
San Francisco Employees' Retirement System
30 Van Ness Avenue, Suite 3000
San Francisco, CA 94102

Dear Clare:

PROPOSITION REGARDING DISTRICT ATTORNEY AND INVESTIGATOR BENEFITS

As stated in our letter of June 23, 2003, Towers Perrin has reviewed the proposition (including the revisions) to extend higher age factors to District Attorneys under SFERS. The new age factors range from 2.4% at age 50 to 3.0% at age 55 and over, with the overall benefit limited to 90%. The current age factors range from 1% at age 50 to 2% at age 60 with a maximum of 75%. The vested term minimum would apply in both cases. With the employee contribution rate increased from 7.5% to 12.5%, the vested term minimum may be applicable, even with these higher age factors.

The death benefits would also be modified slightly under this proposition, primarily to cease continuation benefits when the surviving spouse remarries without dependent children. However, disability and termination benefits would remain unchanged from the current Miscellaneous provisions.

We have modified the cost estimate provided to you on June 23, 2003 to include a 12.5% employee contribution rate. This additional contribution will offset to some extent the cost of providing enhanced benefits to this group of employees. However, with this high turnover group, some of the contributions would be refunded with interest and not be used to fund additional retirement benefits. And, where the vested termination minimum benefit is applicable, the higher contribution rate will increase retirement benefits and costs considerably.

We also refined our estimate by running all 212 employees as Miscellaneous members (rather than as New Police members as was done for the prior estimate with the higher age factors), but with the 3% at 55 Safety retirement benefit, the 12.5% member contribution rate and revised retirement and turnover assumptions. By running these employees as Miscellaneous members we are keeping all other assumptions the same,

Towers Perrin

such as the salary scale, the salary tilt and the percent of employees assumed to take the vested benefit rather than a return of contributions.

We incorporated the terminations, retirements and layoffs over the last five years to review turnover experience. Based on this information, the turnover is approximately three times the turnover anticipated for other Miscellaneous members. This is the turnover assumption that seems most realistic for this subgroup of SFERS members.

We used the same data as in the prior cost estimate with a July 1, 2003 calculation date, where we rolled forward the data for the 212 members you provided as of July 1, 2003 by adding one year of age and service and increasing the pay by 4.5% for members included in the valuation as of July 1, 2002. Their average age was 42.5, their average service was 11.0 years, and their average pay was about \$114,000.

First, we ran this group with current Miscellaneous benefits using the higher termination rates based on this group's experience. These baseline results represent a refinement in assumptions for this small group that recognizes the current actual costs to SFERS, separate from any benefit improvement.

Then, we ran this group with the same higher termination rates but retirement rates based on "New Police" retirement rates with enhanced retirement age factors and higher member contributions. It is prudent actuarial methodology (as described in Actuarial Standards Board, Actuarial Standards of Practice No. 35, paragraph 3.3.4(b)) to make such an assumption change in retirement rates if future benefit enhancements are expected to generate earlier retirement. When a future experience study is completed to review actual experience, adjustments would be made to better reflect the actual experience of both retirement and termination with the design change.

The difference between the retirement and withdrawal benefit values of these two runs is the cost estimate for improved benefits reflecting both the higher benefits and the change in behavior expected because of these higher benefits. With the change in member contribution rate, the withdrawal benefits increased significantly. The death benefits were reduced slightly but have been ignored for this purpose. The estimated increase in normal cost for this group is about \$714,000, with an increase in the actuarial accrued liability (AAL) estimated to be \$30,669,000. The methodology for SFERS funding is to amortize an increase in the AAL over the present value of future payroll of the group receiving the benefit change, capped at 20 years. In this case the annual amortization is about \$4,446,000, generating a total annual cost increase for this benefit improvement of about \$5,160,000. If the average entry age remains relatively constant

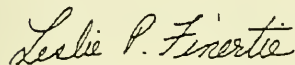
Towers Perrin

for this group, the normal cost is expected to remain a level percent of payroll of the group. The amortization will be adjusted each year for a closed amortization period based on the present value of future payroll of members in this category of employment.

Although the annual cost increase is approximately \$5.2 million, there is an expected increase in employee contributions of \$1.2 million (5.0% times payroll of \$24,242,000). Therefore, the net cost of this proposal to the City is roughly \$4.0 million.

Please let us know if you have any additional questions in this regard.

Sincerely,



Leslie P. Finertie

LPF:tg

cc: Ms. Wendy Londa — Towers Perrin/San Francisco
Mr. Thomas Matthews — Towers Perrin/San Francisco



CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER

Ed Harrington
Controller

Monique Zmuda
Deputy Controller

October 2, 2003

Revised
10/2/03

Ms. Gloria L. Young
Clerk of the Board
Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

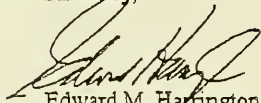
RE: File Number 030857
Charter Amendment to provide "3% at 55" retirement benefits for attorneys and
investigators in the Offices of the District Attorney and the Public Defender

Dear Ms. Young,

Should the proposed charter amendment be approved by the voters, in my opinion, the cost to the City would increase, as estimated by the Retirement System actuary, by \$4 million per year for the next 20 years.

The new cost of the proposal to the City could be mitigated by a provision that allows certain attorney and investigator classifications to be designated as exempt from Social Security. If allowed under federal and state regulations, this would provide savings to the City of \$1.1 million annually. In addition, for the last several years, as part of negotiated labor agreements, the City has paid approximately \$1.7 million annually to fund the required 7.5% retirement contribution for this employee group, however for FY 2003-2004, employees have agreed to pay the \$1.7 million contribution amount. The net new cost to the City of the proposal could range from \$1.2 million, if both Social Security and retirement contribution savings can be realized, to \$4.0 million annually, if neither can be realized. The final cost to the City would depend on the outcome of negotiations and determinations on these issues.

Sincerely,


Edward M. Harrington
Controller

Note: This analysis reflects our understanding of the proposal as of the date shown. At times further information is provided to us which may result in revisions being made to this analysis before the final Controller's statement appears in the Voter Information Pamphlet.

Item 2 - File 03-1547

Departments: Retirement Board
Employees' Retirement System

Proposes Charter Amendment: Charter Amendment to authorize the City and County to establish plans for the tax-deferred treatment of accrued compensation payable to City employees.

Draft: First

Charter Section Affected: Add Section A8.599

Description: The proposed Charter Amendment would add Section A8.599 to the City's Charter to empower the Board of Supervisors to enact ordinances to establish a plan or plans, consistent with Federal and State requirements, to provide for the deferred taxation of accumulated vacation, sick leave or other compensation earned by City employees once their employment with the City terminates.

Under the proposed Charter Section A8.599 the Retirement Board would administer any plans approved by the Board of Supervisors. The Retirement Board would also be authorized to (1) contract with a financially responsible independent contractor to administer such plans, and (2) ensure that plan benefits do not conflict with or reduce benefits under City's the existing Retirement System. Under the proposed Charter Amendment, the administrative costs, to be incurred by the City, of any new plan would be borne by the plan participants and by an independent contractor, if one is selected by the Retirement Board. The administrative costs would not be paid for by the City.

Comments: 1. According to Ms. Clare Murphy, Executive Director of the Employees' Retirement System, any plans approved by the Board of Supervisors under this proposed Charter Amendment, to provide for the deferred taxation of accumulated vacation, sick leave, or other compensation earned by City employees, whose employment with the

City has terminated, could potentially produce savings to the City. Such savings could be produced because, by transferring accumulated compensation to a tax-deferred plan, the City would no longer be required to pay Social Security and Medicare on the transferred amounts. Ms. Murphy reports that the City is currently required to pay 6.2 percent in Social Security and 1.45 percent in Medicare to the Federal government on accrued compensation paid out to City employees whose employment with the City has terminated. Ms. Murphy notes that once such former employees withdraw such funds from the plan, he or she would be required to pay State and Federal income taxes, but that the City would not be required to pay Social Security and Medicare on such funds.

Ms. Murphy further notes that under current Federal law, Social Security benefits of the plan participants may be adversely affected by transferring accumulated compensation into any plans created under the proposed Charter Amendment, depending on the age of the participants and whether they have otherwise already become eligible for the maximum Social Security benefits. According to Ms. Murphy, City employees could decide whether to participate in any plan approved by the Board of Supervisors under the proposed Charter Amendment after evaluating whether participating in such a plan would have an adverse effect on his or her Social Security benefits.

2. According to Ms. Murphy, the amount of accrued compensation to be paid by the City would vary based on (a) the number of employees whose employment terminates and (b) on the amount of the accrued compensation balances for those City employees. Ms. Murphy therefore advises that the potential savings to the City would also vary. Ms. Murphy further advises that any administrative costs incurred by the Employees' Retirement System in administering plans approved under the proposed Charter Amendment would be funded by participants in the tax-deferred plan and by an independent contractor, if one is selected by the Retirement Board and no administrative costs would be borne by the City.

In summary, Ms. Murphy reports that any tax-deferred plans created under the proposed Charter Section A8.599 would (a) be compliant with provisions of the Internal Revenue Service Code, (b) result in no cost to the City (employer), (c) allow for self-directed investment options, (d) include flexible pay-out options, and (e) result in savings to the City, the amount of which would vary.

3. As of the writing of this report, the Controller's Office had not completed the Controller's fiscal impact analysis for the proposed Charter Amendment. Ms. Peg Stevenson of the Controller's Office advises that the Controller will provide the Rules Committee with their analysis by the October 22, 2003 meeting.

Recommendation: Approve the proposed Charter Amendment.

Item 3 - File 03-1562

Proposed Charter

Amendment: Charter Amendment authorizing the Board of Supervisors to amend or repeal provisions of the Domestic Partnership Ordinance to effectuate the voters' intent that domestic partners be afforded the same rights and responsibilities as spouses, so that domestic partners are treated exactly the same as spouses for benefits under the Employees Retirement System.

Draft: Second

Charter Sections

Affected: Adding Sections 16.125 and A8.500-3

Description: The proposed Charter Amendment would add two new sections to the City's Charter to (1) authorize the Board of Supervisors to amend or repeal the City's existing Domestic Partnership Ordinance, and to (2) authorize the Board of Supervisors to enact, with three-fourths approval of its members, ordinances necessary to provide that domestic partners are treated exactly the same as surviving spouses with respect to the City's Employees Retirement System. The existing Domestic Partnership Ordinance, which was approved by the voters in San Francisco in 1990, allows domestic partners who either live or work in San Francisco to register as domestic partners with the San Francisco County Clerk.

Comments: 1. According to Mr. Dan Maguire of the City Attorney's Office, under the existing law, the surviving domestic partner of a member of the City's Employees Retirement System is entitled to the same benefits as a surviving spouse of a member of the City's Employees Retirement System only if (1) the domestic partnership was formed prior to the member's retirement and (2) the certificate of domestic partnership was filed with the County Clerk and the Employees Retirement System at least one year prior to the member's retirement or death under certain plans. Mr. Maguire states that, in contrast to the retirement benefits received by domestic partners, a surviving spouse of a member of the City's Employees

BOARD OF SUPERVISORS
BUDGET ANALYST

Retirement System is not required to submit proof of marriage with the County Clerk or the Employees Retirement System prior to the member's retirement or death in order to receive retirement benefits from the City under specified plans.

2. Mr. Maguire advises that the proposed Charter Amendment would authorize the Board of Supervisors to amend the existing Domestic Partnership Ordinance or to adopt future ordinances to treat domestic partners the same as married persons with respect to the City's Employees Retirement System. Mr. Maguire states that the proposed Charter Amendment would authorize, but would not legally compel, the Board of Supervisors to adopt such legislation.

3. As of the writing of this report, the Controller's Office had not completed the Controller's fiscal impact analysis for the subject proposed Charter Amendment. Ms. Peg Stevenson of the Controller's Office advises that the Controller will provide the Rules Committee with their analysis by the October 22, 2003 meeting.

4. As of the writing of this report, Ms. Clare Murphy of the Employees Retirement System could not provide an annual cost estimate of the proposed Charter Amendment. Ms. Murphy advises that while providing an estimate is impossible because the Employees Retirement System does not know the number of domestic partnerships that members of the system entered into after retirement. Ms. Murphy will provide a report to the Rules Committee that outlines the potential fiscal impact of the proposed Charter Amendment by the October 22, 2003 meeting.

Recommendation: Approval of the proposed Charter Amendment is a policy matter for the Board of Supervisors.

Item 4 – File 03-1541

**Proposed Charter
Amendment:**

Charter Amendment to allow for employees called to active duty to receive supplemental compensation for a period to be specified by ordinance.

Draft:

First

**Charter Sections
Affected:**

Section A8.400

Description:

Currently, Charter Section A8.400 provides that the Mayor may submit an ordinance for consideration by the Board of Supervisors to permit City employees called to active duty with a United States military reserve organization to receive compensation from the City equal to the difference in the amount of the individual's military pay and the amount the individual would have received as a City employee based on his or her normal work schedule, including any merit raises which otherwise would have been granted during the time the individual was on active duty.

This existing Charter provision is notwithstanding any other limitations in the Charter to the contrary and is subject to meet and confer obligations of State law. In addition, the ordinances submitted by the Mayor for Board of Supervisors consideration to allow for such additional military compensation to be paid by the City requires that (1) the City employee is called into military active duty for more than 30 days, (2) the call to active service is for extraordinary circumstances, and not for regular scheduled training, drills, assemblies, or similar events, (3) offsets are required to be paid pursuant to law such that no double payments can occur, (4) the individual employee must return to City service within 60 days of release from active duty or within 60 days of return to fitness for employment, otherwise the additional City compensation is treated as a loan, payable with interest, in accordance with specified provisions in the Charter, and (5) this provision will not apply to any

military active duty served voluntarily after the time the City employee is called to active service.

The existing Charter Section also states that (1) the period that can be specified in the ordinance providing for such additional City compensation cannot exceed 180 days, or six months, and (2) the ordinance cannot be retroactive.

The proposed Charter Amendment would delete these latter two existing Charter provisions, and permit the Mayor and the Board of Supervisors to determine, in the implementing ordinance, the length of time for additional City compensation and whether such compensation could be paid on a retroactive basis.

Comments:

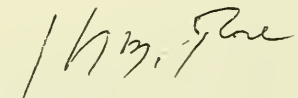
1. According to Mr. Philip Ginsburg of the City Attorney's Office, State law provides numerous rights for employees that are called to active military duty, but State law currently only requires 30 days of paid leave. However, Mr. Ginsburg advises that many public jurisdictions presently provide supplemental pay and benefits to employees called to active military duty to mitigate the economic hardship caused by reductions in salary and benefits while serving in the military on active duty. According to Mr. Ginsburg, the State of California provides similar benefits to its employees and the State recently extended a similar supplemental pay benefit to 365 days, or a full year.

2. In July of 2003, the Board of Supervisors approved the FY 2003-2004 Annual Salary Ordinance, which contains Section 2.4, Supplementation of Military Pay in accordance with the current Section A8.400 of the City's Charter. Section 2.4 provides for additional City compensation, retirement service credit and all other benefits to which City employees called into active military duty would otherwise have been entitled had the City employee not been called to active military duty. As noted above, under the existing Charter provisions, these additional pay and benefit provisions cannot exceed 180 calendar days or be paid on a retroactive basis.

3. Given that the proposed ordinance would delete the time limitation of 180 days and delete the provision to prohibit retroactive pay, the proposed Charter Amendment could result in increased costs to the City for compensation paid to City employees called to military active duty with a U.S. military reserve organization. According to Ms. Alice Villagomez of the Department of Human Resources, there are fewer than 20 City employees that currently would be affected by the proposed Charter Amendment, primarily within the Fire, Sheriff and Police Departments. However, until the actual ordinance containing the specific provisions is submitted by the Mayor to the Board of Supervisors for approval, the actual costs of the proposed provisions cannot be determined.

4. As of the writing of this report, the Controller's Office had not completed the Controller's fiscal impact analysis for the subject proposed Charter Amendment. Ms. Peg Stevenson of the Controller's Office advises that the Controller will provide the Rules Committee with their analysis by the October 22, 2003 Rules Committee Meeting.

Recommendation: Approval of the proposed Charter Amendment is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc: Supervisor Hall
Supervisor Dufty
President Gonzalez
Clerk of the Board
Controller
Ben Rosenfield
Ted Lakey

[Budget Analyst Report]

Susan Hom

Main Library-Govt. Doc. Section

COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642

FAX (415) 252-0461

October 23, 2003

TO: Rules Committee

FROM: Budget Analyst

SUBJECT: October 27, 2003 Special Rules Committee Meeting

DOCUMENTS DEPT.

OCT 27 2003

SAN FRANCISCO
PUBLIC LIBRARY

Item 1 – File 03-1543

Note: This Charter Amendment was amended and continued at the Special Rules Committee meeting of October 20, 2003.

Departments:

Department of Human Resources (DHR)

Fire Department

Police Department

Proposed Charter

Amendment:

Charter Amendment amending Sections 2.103, 2.104, and Article XVII, by adding Section 4.101-1, and amending Section A8.590 to (a) toll deadlines for actions by the Board of Supervisors when the Board of Supervisors is on recess, (b) reduce the number of votes required when one or more Board members are disqualified from voting on a matter because of a conflict of interest, (c) limit hold-over appointments to 60 days, and (d) set deadlines for completion of labor negotiations for uniformed employees of the Police and Fire Departments identical to those already in place for other City employee labor negotiations under Charter Section A8.409 which covers miscellaneous employees, including Deputy Sheriffs.

BOARD OF SUPERVISORS

BUDGET ANALYST

Draft: Second

Charter Sections

Affected: Sections 2.103, 2.104, Article XVII, by adding Section 4.101-1, and A8.590

Description: **Board of Supervisors Recesses and Tolling Deadlines**

The proposed amendment to Charter Section 2.103 would provide that when the Board of Supervisors is on recess, most deadlines for Board of Supervisors action specified in the Charter would be extended by the number of days remaining for the recess, with a maximum extension of 45 days, with the exception of those deadlines listed below in Comment No. 1. For example, if the Board of Supervisors is on recess for five days after the Mayor vetoed an ordinance, the proposed Charter Amendment would add five days to the Board of Supervisors deadline for overriding the veto.

Vote Requirements and Disqualifications for Conflicts of Interest

As explained in the Attachment, provided by Mr. Thomas Owen of the City Attorney's Office, current Charter provisions establish the number of votes needed for the Board of Supervisors to take particular actions. For example, a simple majority of the full Board of Supervisors (i.e., six Supervisors) is required to approve an ordinance, while a minimum of two-thirds of the full Board of Supervisors (i.e., eight Supervisors) is required to override a mayoral veto. In all cases, the proportion of the Board of Supervisors required to vote in favor of each action is based on the assumption that all 11 members of the Board of Supervisors are available and/or eligible to vote on each matter. However, under State and local law, a Supervisor may be disqualified from voting on a matter if s/he has a financial stake in the decision or another conflict of interest. Currently, under

existing Charter provisions, when a Supervisor is disqualified from voting, the number of Supervisors required to vote remains the same proportion of the full 11 members of the Board of Supervisors, even though fewer Supervisors are actually eligible to vote.

Under the proposed Charter Amendment, the proportion of Board of Supervisors members required to vote would be re-calculated on the basis of the number of Supervisors actually eligible to vote. For example, if two Supervisors were disqualified from voting due to conflicts of interest, based on the remaining eligible nine members (11 original members less the two disqualified members), (a) rather than six votes to approve an ordinance, only five votes would be required, as a simple majority of the remaining nine Supervisors eligible to vote on the action, and (b) rather than eight votes to override a mayoral veto, only six votes would be required, as two-thirds of the remaining nine Supervisors eligible to vote on the action.

Hold-over Appointments

Most board and commission members are appointed for a fixed term. According to Mr. Owen, under common law and the California Government Code, an elected board or commission member may continue to carry out his or her office's duties after his or her term expires, until re-election, reappointment, or a successor takes office. During that period, the officer is referred to as a "hold-over appointment." Currently, there is no limit on how long an elected board or commission member may serve as a hold-over appointment.

Under the proposed new Charter Section 4.101-1, a limit of no more than 60 days after the expiration of his or her term would be established as the hold-over period for any appointed board or commission member. After 60 days, the member could only serve on the body if s/he was re-appointed. The one

exception to this 60-day limit would be those board and commission members who are in hold-over appointments on the effective date of the Charter Amendment (see Comment No. 3).

Deadlines for Police and Fire Negotiations

Currently, Charter Section A8.590 is the City's labor negotiation and interest arbitration statute covering uniformed employees of the Police and Fire Departments.

A separate Charter Section A8.409 is the City's labor negotiation and interest arbitration statute covering miscellaneous employees, including Deputy Sheriffs. Charter Section A8.409 requires that labor negotiations be completed by the start of the City's new fiscal year. Unlike Charter Section A8.409, Charter Section A8.590 does not specify any timelines for completion of the negotiation and arbitration process for uniformed employees of the Police and Fire Departments.

Mr. Phil Ginsburg of the City Attorney's Office advises that because Charter Section A8.590 does not specify any timelines for completion of the negotiation and arbitration process:

- The negotiation process for uniformed employees of the Police and Fire Departments takes longer than the negotiation process for miscellaneous employees.
- The resulting memoranda of understanding (MOUs) for uniformed employees of the Police and Fire Departments have generally not been ratified until after the start of the new fiscal year, thereby requiring retroactive implementation.
- Uniformed employees of the Police and Fire Departments have historically negotiated "advantageous" MOUs as a result of trailing after all other MOUs are negotiated.

The proposed Charter Amendment, if approved by the voters, would amend Charter Section A8.590 to require labor negotiations for uniformed employees of the Police and Fire Departments to be completed within the same timelines as the labor negotiations for miscellaneous employees covered by Charter Section A8.409. In both cases, negotiations would have to be completed by the start of the City's new fiscal year.

Comments:

Board of Supervisors Recesses and Tolling Deadlines

1. As stated by Mr. Owen in the Attachment, the proposed amendment to Charter Section 2.103 would not apply to deadlines for (a) preparing and adopting budgets, (b) calling or conducting elections, or (c) collective bargaining. Mr. Martin Gran of the City Attorney's Office advises that collective bargaining is exempted because of its close tie to the budget process.

Vote Requirements and Disqualifications for Conflicts of Interest

2. The proposed amendment to Charter Section 2.104 would not change the quorum requirement of six members of the Board of Supervisors being required in order to hold a Board of Supervisors meeting and conduct business.

Hold-over Appointments

3. As noted above, the proposed addition of new Charter Section 4.101-1 would provide that no appointed board or commission member could serve as a hold-over for more than 60 days. However, the new Charter Section 4.101-1 provides that any person serving as a hold-over board or commission member on the effective date of the Charter Amendment would be permitted to continue serving in that capacity for 90 days following the effective date of the Charter Amendment before having to leave office. Mr. Gran advises that this

extended grace period for current hold-over board or commission members is intended to give the Mayor and the Board of Supervisors sufficient time to re-appoint or replace all current hold-over board or commission members before any vacancies are created by operation of the new rule.

Deadlines for Police and Fire Negotiations

4. Mr. Ginsburg advises that the new timeline for labor negotiations for uniformed employees of the Police and Fire Departments would be as follows:

New deadline	Step in the labor negotiation process	Existing Charter Section 11.100 extension provisions applied to the new timeline¹
January 20	Parties must appoint their arbitrators on the Board of Arbitrators	
January 31	Parties must appoint their board members on the Neutral Impasse Resolution Board	
April 1	Deadline for Board of Supervisors approval of negotiated contracts	
May 1		Deadline for Board of Supervisors approval of negotiated contracts with 30-day extension
June 30		Deadline for Board of Supervisors approval of mediated settlements and arbitration awards with 60-day extension from May 1.

¹ Under Charter Section 11.100, "... the Board of Supervisors by motion may extend up to 30 days the date for final adoption of ordinances approving salary and benefits ... Should the Board of Supervisors reject any memorandum of understanding and/or schedule of compensation and benefits, the Board of Supervisors shall by motion simultaneously extend by 60 days the date for final adoption of ordinances approving salary, benefits and/or working conditions ..."

5. Ms. Alice Villagomez of DHR advises that the current two-year MOU for the uniformed members of the Police Department, effective from FY 2003-2004 through FY 2004-2005, was not approved by the Board of Supervisors until September of 2003. The previous two-year MOU for the uniformed members of the Police Department, effective from FY 2001-2002 through FY 2002-2003, had not been approved by the Board of Supervisors until August of 2001.

6. Ms. Villagomez advises that the current two-year MOU for the uniformed members of the Fire Department, effective from FY 2003-2004 through FY 2004-2005, was not approved by the Board of Supervisors until the August of 2003. The previous two-year MOU for the uniformed members of the Fire Department, effective from FY 2001-2002 through FY 2002-2003, had not been approved by the Board of Supervisors until August of 2001.

7. Another proposed Charter Amendment under File 03-1542, Item No. 6 on the agenda for the October 27, 2003 Special Rules Committee meeting, proposes to reclassify Deputy Sheriffs from miscellaneous employees covered by the labor negotiation and interest arbitration provisions of Charter Section A8.409, which requires negotiation processes to be completed by the start of the new fiscal year, to safety employees covered under the labor negotiation provisions set forth in Charter Section A8.590, which currently does not specify any timelines for completion of the negotiation and arbitration process. If that other Charter Amendment (File 03-1542) and this subject proposed Charter Amendment (File 03-1543), which would impose negotiation and arbitration deadlines on uniformed employees of the Fire and Sheriffs Departments, are both approved by the voters, then Deputy Sheriffs would continue to be held to the same labor negotiation deadlines under which they currently operate because both Charter Sections A8.409, which currently covers Deputy Sheriffs, and A8.590, which would cover Deputy

Sheriffs in the future, would require negotiations and arbitration to be complete by the start of the new fiscal year.

8. According to Ms. Villagomez, DHR anticipates implementation issues related to the subject Charter Amendment. Currently, staggering the labor negotiations for miscellaneous employees and for uniformed employees of the Police and Fire Departments permits DHR and City Attorney's Office staff to handle the labor negotiations themselves, limiting the use of outside negotiators. Ms. Villagomez reports that during the 2002 labor negotiations, only two outside counsel were hired specifically for labor negotiations, Mr. Jonathan Holtzman and Ms. Susan Mosk, at a cost of \$191,054. Ms. Villagomez further reports that no outside counsel or labor negotiators were hired for the 2003 labor negotiations. If future labor negotiations for both miscellaneous employees and for uniformed employees of the Police and Fire Departments are to be run concurrently, Ms. Villagomez advises that there would potentially be a need to augment DHR and City Attorney's Office staffing during the labor negotiations in order to meet the Charter's timeframes. Ms. Villagomez reports that it would be difficult to estimate the additional cost to the City because the staffing needs each year would be dependent on the number of contracts being negotiated in that year, the negotiation timetable, and the specific issues under discussion.

9. Under the proposed amendment to Charter Section A8.590, the new deadlines would not apply to re-opening negotiations under current contracts if the union started the process by April 1, 2004 because the process calls for choosing arbitrators in January of 2004, but the voters will not decide on the proposed Charter Amendment until March of 2004, according to Mr. Gran.

10. As of the writing of this report, the Controller's Office had not completed the

Controller's revised fiscal impact analysis for the second draft of the proposed Charter Amendment. Ms. Peg Stevenson of the Controller's Office advises that the Controller will provide the Rules Committee with their revised analysis by the October 27, 2003 meeting. However, the Controller has previously reported that with regard to the timing of the Police and Fire labor negotiations, "The proposed change in the timing of these negotiations could affect the outcome and increase or decrease the City's costs under its labor agreements, but the amendment would not in and of itself result in new costs or savings."

Recommendation:

Approval of the proposed Charter Amendment is a policy matter for the Board of Supervisors.



DENNIS J. HERRERA
City Attorney

THOMAS J. OWEN
Deputy City Attorney

Attachment
Page 1 of

DIRECT DIAL: (415) 554-4679
E-MAIL: thomas.owen@sfgov.org

MEMORANDUM

TO: Harvey Rose
Board of Supervisors' Budget Analyst

FROM: Thomas J. Owen
Deputy City Attorney

DATE: October 22, 2003

RE: Board of Supervisors' File No. 031543

You have asked for a brief memorandum summarizing two aspects of the proposed charter amendment contained in Board File No. 031543. This material is also included in the legislative digest for the amendment.

Board Recesses and Tolling Deadlines

The Charter and the Municipal Code set deadlines for the Board of Supervisors to act on certain matters. For example, the Board has 30 days after the Mayor vetoes an ordinance to override the veto. If the Board does not act within 30 days, it loses the ability to override the veto. If the Board is in recess – if it has cancelled its regularly-scheduled meetings – the deadline for taking an action may pass before the Board has its next meeting.

The proposal would provide that when the Board was in recess, any deadlines for Board action would be extended for the same number of days. For example, if the Board was in recess for five days after the Mayor vetoed an ordinance, the Charter would add five days to the Board's deadline for overriding the veto. This rule would not apply to deadlines for preparing and adopting budgets, for calling or conducting elections, or for collective bargaining. Nor could a deadline be extended by more than 45 days.

TO: Harvey Rose
Board of Supervisors' Budget Analyst
DATE: October 22, 2003
PAGE: 2
RE: Board of Supervisors' File No. 031543

Attachment
Page 2 of 2

Vote Requirements and Disqualifications for Conflicts of Interest

The Charter sets the number of votes needed for the Board to take particular actions – half of the Board, two-thirds of the Board, etc. The number of votes is calculated as one-half of all eleven members, two-thirds of all eleven members, etc., even if all eleven members are not available or eligible to vote.

Under state and local law, members of the Board may be disqualified from voting on a matter if they have a financial stake in the decision or other conflict of interest. When a member of the Board of Supervisors is disqualified from voting on a matter because of a conflict of interest, the number of votes required to take a particular action, such as pass an ordinance or override a mayoral veto, remains the same. For example, if one member of the Board is disqualified, the Board still needs a two-thirds vote (or eight votes) of the remaining ten members to override a mayoral veto.

Under the proposal, the number of votes needed to take an action would be calculated without counting those members who were disqualified because of a conflict of interest. If one or more members of the Board were disqualified from voting on a matter because of a conflict, the number of votes required to take an action would be determined by applying the specified fraction (such as one-half, two-thirds, etc.) to the number of remaining members.

For example, if two Board members were disqualified, it would take five votes to pass an ordinance, rather than six votes under existing law, and six votes to override a veto, rather than eight votes under existing law. With two members disqualified, there would only be nine voting members left on the Board. A simple majority of nine members would be five votes; two-thirds of nine members would be six votes.

The quorum requirements for the Board of Supervisors would remain unchanged under this amendment -- six members would still have to be present to hold a meeting and conduct business.

cc: Ted Lakey

Item 2 - File 03-1561

Note: This item was continued by the Rules Committee at its meeting of October 20, 2003.

Proposed Charter

Amendment:

Allowing the City to reduce the minimum Police Department sworn staffing after conducting a study of which positions could be filled by civilian personnel rather than sworn police officers.

Draft:

Second

Charter Sections

Affected:

Section 4.127 (Police Department) would be amended. Section 16.123, under "Miscellaneous Provisions", would be added.

Summary:

In accordance with Proposition D, approved by the voters in November of 1994, Charter Section 4.127 currently includes language which mandates that the City maintain a police force consisting at all times of a minimum of 1,971 full duty sworn police officers. The proposed Charter Amendment would add language to Section 4.127 and would also add Charter Section 16.123 which would require the Controller to conduct a review of sworn and civilian staffing needs in the Police Department and recommend the conversion of sworn positions to civilian positions where appropriate. Under the proposed new Charter Section 16.123, if the Budget Analyst concurs with the Controller's recommendations for civilianization that implementation of such recommendations would not reduce the number of police officers dedicated to neighborhood community policing, patrol and investigations, and if such recommendations made by the Controller are implemented by the Mayor and the Board of Supervisors through the budgetary process, the number of required full duty sworn police officers as specified in Charter Section 4.127 could be reduced by the number of civilian positions added to the Police Department budget to perform civilian functions previously performed by sworn police officers.

Description:

Charter Section 4.127 (Police Department), which includes amended language regarding minimum police staffing which was approved by the voters as Proposition D in November of 1994, states as follows:

BOARD OF SUPERVISORS
BUDGET ANALYST

POLICE STAFFING. The police force of the City and County shall at all times consist of not fewer than 1,971 full duty sworn officers. The staffing level of the Police Department shall be maintained with a minimum of 1,971 full duty sworn officers

The proposed Charter Amendment would add the following language to Charter Section 4.127 immediately following the language cited above:

That figure may be further adjusted pursuant to Section 16.123 (see below).

The proposed Charter Amendment would permit future adjustments to the 1,971 full duty sworn police officer minimum staffing requirement pursuant to a proposed new Charter Section 16.123.

The proposed Charter Amendment would add the new Charter Section 16.123, entitled Civilian Positions Within the Police Department which would require the following:

The Controller shall review sworn and civilian staffing needs in the San Francisco Police Department. As part of that review, the Controller shall review police staffing levels and patterns in comparable jurisdictions, and best practices regarding police staffing.

The Controller shall also audit all positions in the Police Department and identify those positions that must be filled by sworn officers and those that could be filled by civilian personnel or that, under best practices in other jurisdictions, typically are filled by civilian personnel.

In conducting these studies, the Controller shall consult with the Board of Supervisors' Budget Analyst, the Director of the Department of Human Resources, the Chief of Police and a representative of the bargaining unit representing sworn members of the Police Department.

Upon the completion of these [reviews and audits], the Controller shall forward to the Mayor and the Board of Supervisors a list of positions in the Police Department currently filled by sworn officers that could be filled by civilian personnel.

Positions shall be converted from sworn to civilian as they become vacant. No sworn officer shall be laid off in order to convert a position to civilian personnel.

If the Mayor and the Board of Supervisors convert positions from sworn officers to civilian personnel through the budget process, the minimum staffing level set in Section 4.127 shall be reduced by the same number of positions if the Controller and the Budget Analyst jointly certify that the reduction will not decrease the number of police officers dedicated to neighborhood community policing, patrol and investigations.

As of the writing of this report, the Controller's Office had not completed the Controller's fiscal impact analysis for the second draft of the proposed Charter Amendment. Ms. Peg Stevenson of the Controller's Office advises that the Controller will provide the Rules Committee with their analysis by the October 27, 2003 meeting.

Comment:

The Budget Analyst's Phase II Management Audit report on the Police Department, issued in May of 1998, found that since the voter approval of Proposition D in 1994, the Police Department had undergone a process of "reverse civilianization," in which an increasing number of sworn personnel are performing clerical, administrative and other functions that do not require peace officer status. After a review of sworn and civilian staffing patterns in other jurisdictions, the Budget Analyst found that there had been a trend towards greater civilianization in other large police departments in California and nationwide.

The management audit concluded that the Police Department was incurring as much as \$2.24 million per year in excess personnel costs (at FY 1997-98 salary levels) by using sworn personnel to perform

BOARD OF SUPERVISORS
BUDGET ANALYST

administrative, technical support and/or other non-sworn police functions. This practice can also have a demoralizing effect on existing civilian employees who are being paid less for performing similar functions. Additionally, hiring civilian employees with greater expertise in functions currently being performed by sworn personnel would improve productivity.

As a result of these findings, the Budget Analyst recommended that the Board of Supervisors consider, as a policy matter, submitting a ballot measure to the electorate to amend Charter Section 4.127 (Proposition D) in order to facilitate the civilianization of sworn positions in the Police Department. Such civilianization would enable the Police Department to realize savings of up to \$2.24 million per year, based on FY 1997-98 salary levels, without reducing the level of police services.

The Attachment to this report includes a detailed listing of sworn positions performing civilian functions and the potential savings from civilianizing such sworn positions as presented in the Budget Analyst's 1998 Phase II Management Audit Report of the Police Department.

Recommendation:

Approval of the proposed Charter Amendment is a policy matter for the Board of Supervisors.

Attachment 3.4: Civilian Functions Performed by Sworn Personnel in the SFPD

SFPD Unit	Function	No. of Positions	Current Uniform Position	Maximum Annual Salary	Proposed Civilian Position	Maximum Annual Salary	Current Annual Cost	Proposed Annual Cost	Estimated Annual Savings
Positions Recommended for Civilianization by Budget Analyst and Police Department;									
Payroll	Research payroll matters; Maintain all payroll files	1	Q2 Police Officer	\$56,976	1220 Payroll Clerk	\$43,483	\$56,976	\$43,483	\$13,493
Payroll	Manage & direct activities of 9 payroll clerks & 1 clerk typist	1	Q2 Police Officer	\$56,976	1224 Principal Payroll & Personnel Clerk	\$52,931	\$56,976	\$52,931	\$4,045
Personnel	Manage transfer record keeping; Personnel data & statistics	1	Q2 Police Officer	\$56,976	1203 Personnel Technician	\$42,334	\$56,976	\$42,334	\$14,642
Medical Liaison	Assist Personnel Sergeant with workers compensation claims	1	Q2 Police Officer	\$56,976	1842 Management Assistant	\$49,460	\$56,976	\$49,460	\$7,517
Reports	Auto Stats entry (1); Report entry (1)	2	Q2 Police Officer	\$56,976	1720 Data Entry Operator	\$31,685	\$113,952	\$63,370	\$50,582
Reports	Data entry supervision	1	Q50 Sergeant	\$66,137	1727 Supervising Data Entry Operator	\$40,168	\$66,137	\$40,168	\$25,969
Support Services	Supervises daily operation of Records; Report entry & Teleserve	1	Q60 Lieutenant	\$75,560	A829 Manager, Permit & License Bureau or equivalent	\$70,802	\$75,560	\$70,802	\$4,758
Records	Copy, distribute & file reports; Perform clerical duties as required	16	Q2 Police Officer	\$56,976	1424 Clerk Typist	\$35,287	\$911,616	\$564,592	\$347,024
Records	Record Room supervision	5	Q50 Sergeant	\$66,137	AA67 Records Manager	\$50,056	\$330,685	\$250,280	\$80,405
Legal	Supports defense litigation; Claims investigations	2	Q380 Inspector	\$75,560	8173 Legal Assistant	\$51,939	\$132,274	\$103,878	\$28,396
Legal	Legal Division Commanding Officer	1	Q60 Lieutenant	\$75,560	0588 Court Coordinator	\$65,146	\$75,560	\$65,146	\$10,414
Legal	Court liaison; Court bailiffs	10	Q2 Police Officer	\$56,976	8304 Deputy Sheriff **	\$47,894	\$569,760	\$478,940	\$90,820
Legal Academy	Supervises Court Liaison	1	Q50 Sergeant	\$66,137	8308 Sheriff's Sergeant **	\$58,516	\$66,137	\$58,516	\$7,621
	Coordinate outside advanced training	3	Q2 Police Officer	\$56,976	1232 Training Officer	\$54,523	\$170,928	\$163,569	\$7,359
Academy	Fiscal & college course coordinator	1	Q2 Police Officer	\$56,976	1842 Management Assistant	\$49,460	\$56,976	\$49,460	\$7,516
Academy	Records & off-site training coordinator	1	Q2 Police Officer	\$56,976	1842 Management Assistant	\$49,460	\$56,976	\$49,460	\$7,516
Academy	Develop & maintain training video	2	Q2 Police Officer	\$56,976	7302 Audio-Visual Equipment Technician	\$39,776	\$113,952	\$79,552	\$34,400
Planning/ MIS	Personal computer maintenance & repairs	2	Q2 Police Officer	\$56,976	1807 MIS Technician II	\$31,920	\$113,952	\$63,840	\$50,112
Planning/ MIS	Telecommunications manager; Telecommunications repair	1	Q2 Police Officer	\$56,976	A805 Telecommunications Systems Director	\$42,047	\$56,976	\$42,047	\$14,929
Planning/ MIS	Publications; Print Shop coordination; Form development	1	Q2 Police Officer	\$56,976	1778 Reproduction Services Manager	\$45,623	\$56,976	\$45,623	\$11,353
Planning/ MIS	Facilities manager for all SFPD buildings	1	Q2 Police Officer	\$56,976	1842 Management Assistant	\$49,460	\$56,976	\$49,460	\$7,516
Planning/ MIS	Building maintenance coordinator	1	Q2 Police Officer	\$56,976	1842 Management Assistant	\$49,460	\$56,976	\$49,460	\$7,516
Planning/ MIS	Gym coordinator	1	Q2 Police Officer	\$56,976	1842 Management Assistant	\$49,460	\$56,976	\$49,460	\$7,516

Attachment 3.1: Civilian Functions Performed by Sworn Personnel in the SP?D

See Note *	SP?D Unit	Function	No. of Positions	Current Uniform Position	Maximum Annual Salary	Proposed Civilian Position	Maximum Annual Salary	Current Annual Cost	Proposed Annual Cost	Estimated Annual Savings
	Planning/ MIS	CLETS coordinator; PC programmer & database developer	1	Q2 Police Officer	\$36,976	1872 Programmer Analyst	\$49,460	\$56,976	\$49,460	\$7,516
	Planning/ MIS	Research & special projects	1	Q60 Lieutenant	\$75,560	1802 Research Assistant	\$45,727	\$75,560	\$45,727	\$29,833
	Planning/ MIS	Personal computer & LAN manager;	1	Q2 Police Officer	\$56,976	1811 MIS Specialist I	\$44,005	\$56,976	\$44,005	\$12,971
	Fiscal	PC coordinator	2	Q2 Police Officer	\$56,976	7410 Automotive Service Worker	\$39,411	\$113,952	\$78,822	\$35,130
	Fiscal	Assistant Fleet Manager	1	Q2 Police Officer	\$56,976	1820 Junior Administrative Analyst	\$42,152	\$56,976	\$42,152	\$14,824
	Fiscal	Fiscal analysis; Special projects	2	Q2 Police Officer	\$56,976	1842 Management Assistant	\$49,460	\$113,952	\$98,920	\$15,032
	Fiscal	Grant administrators; Apply for & administer State & Federal grants	1	Q50 Sergeant	\$66,137	1844 Senior Management Assistant	\$56,689	\$66,137	\$56,689	\$9,448
	Fiscal	Grant unit coordinator; Supervises Grant Unit	1	Q50 Sergeant	\$66,137	1822 Administrative Analyst	\$55,332	\$66,137	\$55,332	\$10,805
	Fiscal	Asst. Director, Police Law Enforcement Services Program	1	Q60 Lieutenant	\$75,560	1823 Senior Administrative Analyst	\$62,823	\$75,560	\$62,823	\$12,737
	Fiscal	Director, Police Law Enforcement Services Program	37	Q2 Police Officer	\$56,976	8213 Police Services Aide	\$45,075	\$2,108,112	\$1,667,775	\$440,337
1	District Stations	Station Duty; Facilities/ Vehicles; Permits; Administration	5	Q2 Police Officer	\$56,976	8304 Deputy Sheriff	\$47,894	\$284,880	\$239,470	\$45,410
	District Stations	Subpoenas	2	Q2 Police Officer	\$56,976	1803 Police Statistical Clerk	\$39,985	\$113,952	\$79,970	\$33,982
	MUNI Detail	MUNI liaison; Statistics; Reports; Analysis	4	Q2 Police Officer	\$56,976	3310 Stable Attendant	\$35,627	\$227,904	\$142,508	\$85,396
	Mounted Unit	Night watch stables	1	Q2 Police Officer	\$56,976	1424 Clerk Typist	\$35,287	\$56,976	\$35,287	\$21,689
	Crime Prev. HQ	Clerical	5	Q2 Police Officer	\$56,976	1803 Police Statistical Clerk	\$39,985	\$284,880	\$199,925	\$84,955
1	Traffic Company	Statistics; Analysis; STOP	1	Q2 Police Officer	\$56,976	1406 Senior Clerk	\$34,269	\$56,976	\$34,269	\$22,707
	ID Bureau	Telephone and computer work; Warrant checks; Mug shots	3	Q2 Police Officer	\$56,976	1770 Photographer	\$41,760	\$170,928	\$125,280	\$45,648
	Photo Lab	Office & crime scene photographers	4	0380 Inspector	\$66,137	1770 Photographer	\$41,760	\$264,548	\$167,040	\$97,508
	Photo Lab	Office & crime scene photographers	1	0380 Inspector	\$66,137	1774 Head Photographer	\$49,955	\$66,137	\$49,955	\$16,182
	Subtotal		131				\$7,684,768	\$5,801,239	\$1,883,529	

Positions Recommended for Civilianization by Budget Analyst:

2	Public Affairs	Press releases; Media relations	1	Q2 Police Officer	\$56,976	1312 Public Information Officer	\$47,789	\$56,976	\$47,789	\$9,187
3	Staff Inspection	Facility site inspections & internal audits	1	Q50 Sergeant	\$66,137	1844 Senior Management Assistant	\$56,689	\$66,137	\$56,689	\$9,448
4	EEO	Investigate EEO complaints	1	0380 Inspector	\$66,137	1233 EEO Programs Specialist	\$51,939	\$66,137	\$51,939	\$14,198
4	EEO	Investigate EEO complaints	1	Q50 Sergeant	\$66,137	1233 EEO Programs Specialist	\$51,939	\$66,137	\$51,939	\$14,198

Attachment 3.1: Civilian Functions Performed by Sworn Personnel in the SFPD

See Note *	SFPD Unit	Function	No. of Positions	Current Position	Maximum Annual Salary	Proposed Civilian Position	Maximum Annual Salary	Current Annual Cost	Proposed Annual Cost	Estimated Annual Savings
5	Backgrounds	Background investigations of applicants for sworn positions	3	Q2 Police Officer	\$56,976	1240 Assistant Personnel Analyst	\$43,378	\$170,928	\$130,134	\$40,794
6	Recruitment	Conducts & monitors recruitment & retention programs	1	Q2 Police Officer	\$56,976	1240 Assistant Personnel Analyst	\$43,378	\$56,976	\$43,378	\$13,598
7	Personnel	ADA coordinator	1	Q50 Sergeant	\$66,137	5620 Regulatory Specialist	\$60,108	\$66,137	\$60,108	\$6,029
8	Personnel	Investigation of disability claims	1	0380 Inspector	\$66,137	8139 Industrial Injury Investigator	\$48,729	\$66,137	\$48,729	\$17,408
8	Personnel	Investigation of disability claims	2	Q50 Sergeant	\$66,137	8139 Industrial Injury Investigator	\$48,729	\$132,274	\$97,458	\$34,816
9	Stress	Drug/alcohol treatment	1	Q2 Police Officer	\$56,976	2594 Employee Assistance Counselor	\$48,259	\$56,976	\$48,259	\$8,717
10	Planning/ MIS	Telecommunications manager;	1	Q2 Police Officer	\$56,976	A805 Telecommunications Systems Director	\$42,047	\$56,976	\$42,047	\$14,929
11	Planning/ MIS	Telecommunications repair Cable coordinator; Manages H/OJ data system & WANG; Coordinates conversion to PC system; Strategic planner for MIS; Provides technical support	1	0380 Inspector	\$66,137	1818 MIS Specialist II	\$53,453	\$66,137	\$53,453	\$12,684
12	Planning/ MIS	Oversees Planning/ MIS Division	1	Q80 Captain	\$88,714	0636 Division Chief or equivalent	\$76,160	\$88,714	\$76,160	\$12,554
13	Property Control	Evidence tracking & control	7	Q2 Police Officer	\$56,976	1920 Inventory Clerk	\$33,617	\$398,832	\$235,319	\$163,513
14	Fiscal	Fleet Manager	1	Q2 Police Officer	\$56,976	7412 Automotive Service Worker Assistant Supervisor	\$43,169	\$56,976	\$43,169	\$13,807
15	Fiscal	Chief Fiscal Officer; Supervise Fiscal & Accounting sections	1	Q80 Captain	\$88,714	1660 Manager, Budget & Performance Monitoring	\$78,770	\$88,714	\$78,770	\$9,944
16	FOR HQ	FOR HQ office staff; Non-clerical functions	1	Q2 Police Officer	\$56,976	1842 Management Assistant	\$49,460	\$56,976	\$49,460	\$7,516
Subtotal			26				\$1,618,140	\$1,214,800	\$403,340	
Total Positions Recommended for Civilianization			157				\$9,302,908	\$7,016,039	\$2,286,869	
Civilian Functions Which Could be Performed by Modified Duty Officers:										
Permits Records		Permit applications; Cost recovery	2	Q2 Police Officer	\$56,976	None	\$0	\$113,952	\$113,952	\$0
		Copy, distribute & file reports; Perform clerical duties as required	2	Q2 Police Officer	\$56,976	None	\$0	\$113,952	\$113,952	\$0
Teleserve		Take non-investigative police reports via telephone	9	Q2 Police Officer	\$56,976	None	\$0	\$512,784	\$512,784	\$0
Teleserve		Supervise daily operation of Teleserve Unit	1	Q50 Sergeant	\$66,137	None	\$0	\$66,137	\$66,137	\$0
Operations Center		Telephone notifications	6	Q2 Police Officer	\$56,976	None	\$0	\$341,856	\$341,856	\$0
Operations Center		Telephone notifications	5	0380 Inspector	\$66,137	None	\$0	\$330,685	\$330,685	\$0

Office of the Budget Analyst

Attachment 3.1: Civilian Functions Performed by Sworn Personnel in the SFPD

See Note	Function	No. of Positions	Current Uniform Position	Maximum Annual Salary		Proposed Civilian Position	Current Annual Cost		Proposed Annual Cost	Estimated Annual Savings	
				Annual Salary	Annual Salary		Cost	Cost		Annual Savings	Annual Savings
* SFPD Unit	Police Commission	1	0460 Commission Secretary		\$75,560	None	\$75,560	\$75,560	\$75,560	\$0	\$0
	Total - Modified Duty Positions	26					\$1,554,926	\$1,554,926		\$0	\$0
	Total - All Salaries						\$10,857,834	\$8,570,965	\$2,286,869		
	Fringe Benefits**						\$1,921,837	\$1,966,087	(\$44,251)		
	Total-Civilian Functions Performed by Sworn Personnel	183					\$12,779,671	\$10,537,053	\$2,242,618		

* An entry in this column indicates that the Police Department did not completely concur with the Budget Analyst regarding the civilianization/elimination of this function.
See Notes to Attachment 3.1, which follow this table, for further details.

** Conversion would substitute Sworn Deputy Sheriff positions for Police Officers, resulting in net savings as indicated.

*** Fringe benefit calculations are based on 17.7 percent of base salary for sworn personnel and 24.1 percent of base salary for civilian personnel. The lower rate for sworn personnel is primarily because the City is not required to pay FICA taxes (6.2 percent of base salary) for sworn personnel.

Item 3 – File 03-1542

Note: Discussion of the first draft of this Charter Amendment was continued at the Special Rules Committee meeting of October 20, 2003.

Departments: Department of Human Resources (DHR)
Sheriff's Department

Proposed Charter Amendment: Charter Amendment amending Sections A8.409 and A8.590 to reclassify Deputy Sheriffs as safety employees covered under the labor negotiation provisions set forth in Charter Section A8.590.

Draft: Second

Charter Sections Affected: Sections A8.409 and A8.590

Description: Currently, Charter Section A8.409 is the City's labor negotiation and interest arbitration statute covering miscellaneous employees, including Deputy Sheriffs. The proposed Charter Amendment (File 03-1542) would reclassify Deputy Sheriffs as safety employees under Charter Section A8.590, the City's labor negotiation and interest arbitration statute covering uniformed employees of the Fire and Police Departments.

Comments: 1. Charter Section A8.590, which currently covers uniformed employees of the Fire and Police Departments, does not specify any timelines for completion of the labor negotiation and arbitration process. In contrast, Charter Section A8.409, which currently covers miscellaneous employees including Deputy Sheriffs, requires negotiation processes to be completed by the start of the new fiscal year. Mr. Phil Ginsburg of the City Attorney's Office advises that because Charter Section A8.590 does not specify any timelines, the following occurs:

- The negotiation process for uniformed employees of the Fire and Police Departments takes longer than the negotiation process for miscellaneous employees.
- The resulting memoranda of understanding (MOUs) for uniformed employees of the Fire and Police Departments have generally not been ratified until after the start of the new fiscal year, thereby requiring retroactive implementation.
- Uniformed employees of the Fire and Police Departments have historically negotiated “advantageous” MOUs as a result of trailing after all other MOUs are negotiated.

2. Another proposed Charter Amendment under File 03-1543, Item No. 4 on the agenda for the October 27, 2003 Rules Committee meeting, proposes to amend Charter Section A8.590 to require labor negotiations for uniformed employees of the Fire and Police Departments to be completed within the same timelines as the labor negotiations for miscellaneous employees covered by Charter Section A8.409. In both cases, negotiations would have to be completed by the start of the new fiscal year. Therefore, if the subject proposed Charter Amendment (File 03-1542) as well as the other proposed Charter Amendment (File 03-1543) were both approved by the voters, the current labor negotiation deadline that requires completion by the start of the new fiscal year for Deputy Sheriffs would remain unchanged. However, if only the subject Charter Amendment were approved by the voters, then the MOUs for Deputy Sheriffs could take longer to negotiate and be more “advantageous” to Deputy Sheriffs, in line with Mr. Ginsburg’s comments above.

3. The Attachment to this report is the fiscal impact analysis for the proposed Charter Amendment prepared by the Controller’s Office. As reflected in the Attachment, the Controller reports that “A change in the timing of negotiations

between the City and the Deputy Sheriffs could affect the outcome and increase or decrease the City's costs under the labor agreement, but the amendment would not in and of itself result in new costs or savings."

Recommendation: Approval of the proposed Charter Amendment is a policy matter for the Board of Supervisors.



CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER

Ed Harrington
Controller

Monique Zmuda
Deputy Controller

October 17, 2003

Ms. Gloria Young
Clerk of the Board
Board of Supervisors
City Hall, Room 244
Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

RE: File Number 031542

Charter amendment to reclassify Deputy Sheriffs as safety employees covered by the same labor negotiation process as uniformed members of the Police and Fire departments.

Dear Ms. Young:

Should the proposed Charter amendment be approved by the voters, in my opinion, it would not increase the cost of government.

Deputy Sheriffs are currently treated as miscellaneous employees for the purposes of negotiating their labor agreement with the City, meaning that a contract must be negotiated, completed and approved by the Board of Supervisors by June 30th. The proposed amendment would change this to treat Deputy Sheriffs as are uniformed Police and Fire personnel, with no Charter deadline for completion of their labor agreements with the City.

Negotiations with the Police and Fire employee organizations typically conclude after all other labor contracts are completed and several weeks after the beginning of the new fiscal year. A change in the timing of negotiations between the City and the Deputy Sheriffs could affect the outcome and increase or decrease the City's costs under the labor agreement, but the amendment would not in and of itself result in new costs or savings.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ed Harrington", written over a horizontal line.

Edward M. Harrington
Controller

Note: This analysis reflects our understanding of the proposal as of the date shown. At times further information is provided to us which may result in revisions being made to this analysis before the final Controller's statement appears in the Voter Information Pamphlet.

Item 4 - File 03-1574

Note: This item was continued by the Rules Committee at its Rules Committee Meeting on October 20, 2003.

**Proposed Charter
Amendment:**

Charter Amendment adding Section 16.124 to authorize the Board of Supervisors to respond on behalf of the City to all orders or requests for the production of information, records, or other tangible items held by the City if the disclosure of such information could violate the rights of any individuals under the State or Federal Constitutions, where the orders or requests are made under laws previously identified by the Board.

Draft:

First

Description:

Current Federal laws, such as the USA PATRIOT Act, authorize the Federal government to either request or order information, records or tangible items which are held by the City. Such information, records or tangible items held by the City may contain information regarding private individuals, of which the disclosure of such information by the City may violate the constitutional rights of that private individual.

The proposed Charter Amendment, if approved by the voters, would add Section 16.124 to allow the Board of Supervisors to designate as a "watch law" any State or Federal law that requires the City to turn over any information, records, or tangible items held by the City. Designation of a State or Federal law as a "watch law" would be determined by approval of a resolution by the Board of Supervisors, if the Board of Supervisors concluded that any disclosure made by the City could violate the constitutional rights of the individuals involved.

Further, the proposed Charter Amendment authorizes the Board of Supervisors to respond on behalf of the City, to all orders or requests for the production of information, records, or other tangible items held by the City, if such orders or requests are made under laws identified by the Board of Supervisors as "watch laws". According to Mr. Tom Owen of the City Attorney's Office, currently,

BOARD OF SUPERVISORS
BUDGET ANALYST

individual City officers or City departments respond to requests or orders for the production of information, records or tangible items. Under the proposed Charter Amendment, any City officer or City department receiving a request made under a designated "watch law" would be required to immediately transmit the request to the Clerk of the Board, with the specific description of the type of records held by the City officer or City department that were covered by the request. The subject records would be sent to the Board of Supervisors, if specifically requested by the Board of Supervisors.

Under the proposed Charter Amendment, the Board of Supervisors would consult with the City Attorney to determine whether turning over the records would violate the constitutional rights of individuals involved in deciding appropriate responses to requests. Unless prohibited by State or Federal law, the Board of Supervisors would approve or deny requests for the production of information, records or tangible items made under "watch laws" in public. The Board of Supervisors would be able to delegate its authority to act under the proposed amendment to one or more of its members.

The Clerk of the Board of Supervisors would be required to prepare a report annually on all requests for the production of information, records and tangible items under designated "watch laws", and the responses by the Board of Supervisors, under the proposed Charter Amendment.

Comment:

As noted in the attached memorandum provided by the Controller, the Controller's Office reports that under the proposed Charter Amendment, "there would be a minimal impact on the cost of government."

Recommendation:

Approval of the proposed Charter Amendment is a policy matter for the Board of Supervisors.



CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER

Ed Harrington
Controller
Monique Zmuda
Deputy Controller

October 17, 2003

Ms. Gloria Young
Clerk of the Board
Board of Supervisors
City Hall, Room 244
Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

RE: File Number 031574
Charter amendment to authorize the Board of Supervisors to respond to orders or requests for the production of City records, information, or other tangible things held by the City, under designated state and federal laws where the Board has determined such disclosure could violate the rights of individuals under the State or Federal Constitutions.

Dear Ms. Young,

Should the proposed charter amendment be adopted, in my opinion, there would be a minimal impact on the cost of government.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ed Harrington".

Edward M. Harrington
Controller

Note: This analysis reflects our understanding of the proposal as of the date shown. At times further information is provided to us which may result in revisions being made to this analysis before the final Controller's statement appears in the Voter Information Pamphlet.

Item 6 - File 03-1567

Note: The Office of the Sponsor has advised the Budget Analyst that several amendments will be introduced at the October 27, 2003 Rules Committee Meeting. However, as of the writing of this report, the Budget Analyst has not received or analyzed those amendments. As a result, our report reflects File No. 03-1567 as introduced on September 22, 2003.

Department: Department of Public Health (DPH)

**Proposed Charter
Amendment:**

Charter Amendment deleting Section 4.110 and adding Article VIIIC to (1) provide additional fiscal authority to the Health Commission, (2) require greater qualifications of Health Commissioners, (3) designate universal healthcare as the Department's top advocacy priority, (4) establish a baseline funding level for the Department of Public Health and for programs helping San Franciscans with chronic illnesses, (5) guarantee the operation of county hospitals and clinics, (6) establish levels for trauma care, (7) guarantee culturally competent care through community-based primary care clinics, (8) require operation of the Mental Health Rehabilitation Facility, (9) streamline contracting bureaucracy, and (10) establish pay equity for nonprofit and City workers performing similar jobs.

Draft: First

**Charter Sections
Affected:**

Deletion of Section 4.110 and addition of Article VIIIC

Description:

Charter Section 4.110 currently provides that (1) the Health Commission consists of seven members appointed by the Mayor for four year terms, (2) the Health Commission membership must have less than a majority of direct care providers (less than four), (3) the Health Commission and the Department of Public Health (DPH) manage and control the City's hospitals, emergency medical services, and in general provide for the preservation, promotion and protection of the physical and mental health of City residents, except where the City's Charter gives such authority to another officer or department, and (4) the Health Commission and the DPH

BOARD OF SUPERVISORS
BUDGET ANALYST

determine the nature and character of public nuisances and provide for their abatement.

The proposed Charter Amendment would delete Charter Section 4.110 described above and would add Article VIIC to (1) establish new qualification requirements for Health Commission members, (2) provide the Health Commission with greater authority, (3) establish a new Public Health Fund, (4) establish a baseline funding level for DPH, (5) create a new budget process for DPH's budget, (6) establish health care service and policy directives, including designating universal healthcare as DPH's top advocacy priority and requiring continued operations and expansion of health care services, (7) require DPH to administer nonprofit organization contracts and perform Human Rights Commission work, and (8) require biennial independent reviews of DPH operations.

**Expanded Authority
and Control of the
Health Commission:**

The proposed Charter Amendment would establish new qualification requirements for the seven members of the Health Commission.¹ Additionally, the Health Commission would be provided with "exclusive charge of the construction, management, supervision, maintenance, extension, operation, use, and control of all property, as well as the real, personal, and financial assets of the Health Department; and have exclusive authority over contracting, leasing, and purchasing by the Health Department." The Health Commission would also have the authority to conduct investigations into any matter within its jurisdiction and take actions based on investigative findings.

The proposed Charter Amendment states that the Board of Supervisors may not adopt ordinances directed specifically at property or financial assets of the Health Department or adopt ordinances that would significantly interfere with the Department's ability to fulfill its duties

¹ The proposed Charter Amendment would require that (1) at least two of the commissioners must be consumers of public health care services, (2) at least two, but no more than three of the members, must be direct care providers, (3) at least one commissioner must represent a nonprofit organization and healthcare workers, and (4) at least four commissioners must possess significant knowledge of or professional experience in the healthcare field.

and responsibilities enumerated in the proposed Charter Amendment.

The proposed Charter Amendment would also provide the Health Department with the exclusive appointment and removal authority for the Director of DPH.

Public Health Fund: Under the proposed Charter Amendment, a new Public Health Fund would be created. The proposed new Public Health Fund is intended to guarantee the City's annual appropriations to and expenditures for DPH by establishing a base amount.

According to the proposed Charter Amendment, this Base Amount would be a calculation of (1) the FY 2001-2002 City's actual appropriation, including supplemental appropriations, to DPH, (2) the FY 2001-2002 City's appropriations for homeless services and programs in other City department budgets, and (3) the FY 2001-2002 appropriations to City commissions, departments and agencies for services they provided to DPH.

According to Ms. Peg Stevenson of the Controller's Office, based in an initial calculation of the FY 2001-2002 City's actual appropriation to DPH and the FY 2001-2002 General Fund appropriation to the Department of Human Services homeless program, the "Base Amount" would be at least \$332,143,578 in FY 2004-2005. Therefore, Ms. Stevenson states that in accordance with the proposed Charter Amendment, the City would annually appropriate no less than an estimated \$332,143,578 of General Fund revenues, the Base Amount to the Public Health Fund.

The City would also be required to direct all other funds received from any other source, including State and Federal sources, for the support of public health to the Public Health Fund. The proposed Charter Amendment establishes the Public Health Fund as an interest accruing Fund and any fund balance would be carried forward in the Fund to the next fiscal year.

**Setting and
Adjustments to the
Base Amount:**

The Controller would be responsible for setting the Base Amount for the Public Health Fund for the first year, FY 2004-2005. As stated above, Ms. Stevenson has calculated that the Base Amount would be approximately \$332,143,578 for the first year based on an initial calculation. Thereafter, the Controller would be responsible for adjusting the Base Amount based on (1) the percentage increase or decrease in aggregate City discretionary revenues, (2) increases in General Fund appropriations to DPH to provide continuing or new ongoing services not provided in the Base Year, and (3) a reduction of 50 percent to the Base Amount for increased revenues to DPH generated by tax changes. The Controller would be responsible for adjusting the Base Amount in terms of the factors described above into perpetuity, or until the voters of San Francisco amend the Charter to delete the proposed new Article VIIIC.

New Budget Process: The proposed Charter Amendment would establish a new budget process for DPH's budget such that no later than March 1 of each year, the Health Commission would submit its proposed annual budget to the Mayor and the Board of Supervisors. The proposed Charter Amendment states that "the Department shall propose a budget that is balanced but may include service reductions." If service reductions are included in the Health Commission's budget submission to the Mayor and the Board of Supervisors, the Mayor and the Board of Supervisors would be required to hold a public hearing regarding such reductions in the evening or on a weekend day.

The proposed Charter Amendment requires the Mayor to submit the Health Commission's annual budget to the Board of Supervisors without change. If the Health Commission requests General Fund revenues above the Base Amount, such a request would be submitted to the Mayor as a separate budget following the standard procedures for other General Fund departments budget submissions. The Health Commission would be required to submit the budget for the first year, FY 2004-2005, by April 30, 2004, instead of the required March 1st for all subsequent years.

The proposed Charter Amendment would also centralize funding for City housing and urban health programs in DPH's budget such that all expenditures for homeless services provided by other City departments would be included in DPH's budget and thus would require the Health Commission's annual budgetary approval.

**Operational and
Policy Directives:**

The proposed Charter Amendment would establish the following operational and policy directives for the Health Commission and DPH:

- (1) The continued operation of San Francisco General Hospital and Laguna Honda Hospital and the coordination with private nonprofit hospitals in the community;
- (2) The operation of district health centers to provide community-based care in San Francisco;
- (3) The provision of funding and technical support by the DPH to primary care clinics operated by nonprofit community based organizations;
- (4) The continuation of a trauma care system operated through the coordination of various City providers and departments;
- (5) The establishment of reporting requirements by DPH on waiting times for certain modalities of treatment for mentally ill persons and substance abusers, and the requirement that DPH reduce by 2008 the average waiting time for methadone maintenance, outpatient substance abuse treatment and detoxification program to a period not to exceed 30 days;
- (6) The continued operation of the Mental Health Rehabilitation Facility unless otherwise directed by the Health Commission;
- (7) The continued operation of the DPH AIDS Office and programs for those suffering from cancer;
- (8) The continued operation of the DPH Environmental Health Section;
- (9) The policy priority of environmental health and justice issues and culturally competent health services;
- (10) The establishment of universal healthcare as one of DPH's highest advocacy priority, and sets as a goal, universal healthcare for all San Francisco residents; and

- (11)The creation of pay equity for nonprofit workers performing work similar to DPH's employees as a goal for DPH and requiring that by FY 2005-2006, DPH provide funds to nonprofit contractors with direct service workers in order for the nonprofit agencies to pay at least 75 percent of the base wage paid to City employees performing similar work.

Contracting:

The proposed Charter Amendment would require DPH to administer DPH contracts with nonprofit organizations in terms of compliance with City laws and grant requirements, and to perform work currently performed for the DPH by the City's Human Rights Commission. DPH would also be responsible for developing a streamlined process for contract approval and monitoring for DPH's contracts with nonprofit organizations. However, the Budget Analyst notes that the proposed Charter Amendment does not contain provisions for reducing the budget of the Human Rights Commission, for the work which would be provided by the DPH.

Quality Review:

The proposed Charter Amendment would require DPH to biennially contract with a nationally recognized management or healthcare consulting firm with offices in San Francisco for an independent review of the quality of DPH's operations. The contract must be competitively bid and approved by the Controller and the Board of Supervisors. The Charter Amendment requires the submission to the Health Commission, the Board of Supervisors, and the Mayor of the audit findings and for conducting a public hearing. However, the Budget Analyst notes that the proposed Charter Amendment does not require DPH to implement audit recommendations.

Fiscal Impact:

Mr. Gregg Sass of DPH has not yet determined the fiscal impact of the proposed Charter Amendment and states that doing so before the October 27, 2003 Rules Committee meeting would be difficult. Mr. Sass also indicated that additional analysis would be required to evaluate the potential additional costs associated with (1) reducing the average wait time for methadone maintenance, outpatient substance abuse treatment, and detoxification programs to less than 31 days, and (2) creating pay equity for nonprofit workers performing work similar to DPH's employees such that DPH provide

BOARD OF SUPERVISORS

BUDGET ANALYST

funds to nonprofit contractors with direct service workers in order for the nonprofit agencies to pay at least 75 percent of the base wage paid to City employees performing similar work.

According to Ms. Stevenson, the Base Amount of an estimated \$332,143,578 would require the City to appropriate additional General Fund revenues of at least \$48,900,000 to the Public Health Fund in FY 2004-2005 than was appropriated to the DPH and the DHS homeless program in FY 2003-2004.

Comments:

1. As previously noted, the proposed Charter Amendment states that the Board of Supervisors may not adopt ordinances directed specifically at property or financial assets of the Health Department or adopt ordinances that would significantly interfere with the Department's ability to fulfill its duties and responsibilities enumerated in the proposed Charter Amendment. Additionally, the Mayor would not be allowed to change the annual DPH budget, submitted by the Health Commission, and the Board of Supervisors would be required to appropriate the Base Amount to DPH, as determined by the Controller.

The Budget Analyst notes that currently the Board of Supervisors and the Mayor have the discretion through the annual budgetary process to determine public health priorities. Such policy priorities change over time due to (1) Federal and State funding for public health, (2) advances in health care delivery, (3) the City's demographics, (4) emerging needs, and (5) the City's financial constraints. However, approval of the proposed Charter Amendment would potentially restrict the ability of the Board of Supervisors and the Mayor from responding to such changes in the future.

2. The proposed Charter Amendment also establishes specific directives to DPH and the Health Commission to provide services, such as the maintenance and operation of district primary health centers throughout the City, to fund primary care clinics operated by nonprofit organizations, and to continue to operate the Environmental Health Section.

The Budget Analyst notes that such specific directives could only be changed by a voter approved Charter Amendment. Therefore, the proposed Charter Amendment would restrict DPH's and Health Commission's ability to reduce or eliminate the services and programs specified in the proposed Charter Amendment in response to (1) advances in health care delivery, (2) changes in the City's demographics, and (3) emerging health care needs.

3. According to Mr. Sass, the services and programs specified in the Charter Amendment would be likely funded by the Base Amount, and by other Federal and State funding sources. However, Mr. Sass states that whether the Base Amount combined with other Federal and State funding sources would be adequate to finance the services and programs specified in the proposed Charter Amendment would depend on several factors, including the cost of services to be provided, the stability other sources of funding, which currently finance approximately 75 percent of DPH's operations, and the impact of inflation on the cost of operations over time. Ms. Aleeta Van Runkle of the City Attorney's Office advises that the Board of Supervisors and the Mayor would have an obligation to approve funding for services and programs that are mandated by the proposed Charter Amendment.

4. According to the FY 2003-2004 Annual Appropriation Ordinance, the total FY 2003-2004 City's budget is \$4,799,511,519, of which \$2,244,743,107 or 46.8 percent, is General Fund. Ms. Stevenson states that given the Charter requirements for the Children's Baseline, the Police minimum staffing requirement, and other required baseline appropriations, the City's discretionary General Fund spending is approximately \$1,200,000,000. The proposed Charter Amendment would reduce discretionary spending by approximately \$332,143,578 or by 27.7 percent. The Budget Analyst notes that a reduction in discretionary spending restricts the Board of Supervisors expenditure options and authority.

5. On October 22, 2003, the Health Commission approved a resolution that urged amendments to the proposed Charter Amendment. Additionally, the Budget Analyst

BOARD OF SUPERVISORS

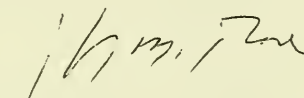
BUDGET ANALYST

discussed with the Office of the Sponsor several issues regarding the setting and adjustment procedure for the Base Amount and the new budget procedure. The Office of the Sponsor advised the Budget Analyst that amendments will be introduced at the October 27, 2003 Rules Committee Meeting which will address the Health Commission's recommendations and the issues regarding the setting and adjustment procedures for the Base Amount and the new budget procedure. However, as of the writing of this report, the Budget Analyst has not received or analyzed these amendments.

6. As of the writing of this report, the Controller's Office had not completed the Controller's fiscal impact analysis for the subject proposed Charter Amendment. Ms. Peg Stevenson of the Controller's Office advises that the Controller will provide the Rule Committee with their analysis by the October 27, 2003 meeting.

Recommendation:

Approval of the proposed Charter Amendment is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc: Supervisor Hall
Supervisor Dufty
President Gonzalez
Clerk of the Board
Controller
Ben Rosenfield
Ted Lakey



City and County of San Francisco

Meeting Minutes

Rules Committee

Members: Tony Hall, Bevan Duffy and Matt Gonzalez

Clerk: Deborah Muccino

Government Documents Section
Main Library (2 copies)

Monday, October 27, 2003

9:00 AM

City Hall, Room 263

Special Meeting

Members Present: Tony Hall, Matt Gonzalez.

Members Absent: Bevan Duffy.

MEETING CONVENED.

The meeting convened at 9:26 a.m.

DOCUMENTS DEPT.

OCT 29 2003

REGULAR AGENDA

SAN FRANCISCO
PUBLIC LIBRARY

031543 [Charter Amendment-Tolling Board deadlines during recess, reducing votes required when Board members are disqualified, limiting hold-over appointments, setting deadlines for police and fire negotiations, and re-naming the Commission on Aging.]

Supervisor Gonzalez

Charter Amendment (Second Draft) to amend Sections 2.103, 2.104, and Article XVII, by adding Section 4.101-1, and by amending Section A8.590-5, to toll deadlines for action by the Board when the Board is in recess, to reduce the number of votes required at the Board of Supervisors for various actions when one or more Board members are disqualified from voting on a matter because of a conflict of interest, to limit hold-over appointments to 60 days, and to set deadlines for completing contract negotiations with police and fire employees.

9/15/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/16/2003.

10/20/03, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in committee. Speakers: John Hanley; Joe Moriarty; Chris Cunnie.

10/20/03 Amendment of the whole bearing new title.

Continued to meeting on October 27, 2003.

10/20/03, CONTINUED.

Heard in Committee. Speakers: Joe Moriarty, Local 798; Tom O'Connor, Firefighter and Local 798; Tom Owen, Deputy City Attorney, City Attorney's Office; Ken Bruce, Budget Analyst's Office; Margaret Brodtkin, Coleman Advocates for Youth.

File No. 031569 combined with File 031543.

Amendment of the Whole Bearing New Title.

Continued to the November 3, 2003 Meeting.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Duffy

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by amending Sections 2.103, 2.104, and Article XVII, by adding Section 4.101-1, by amending Section A8.590-5, and by amending Section 4.120, to toll deadlines for action by the Board when the Board is in recess, to reduce the number of votes required at the Board of Supervisors for various actions when one or more Board members are disqualified from voting on a matter because of a conflict of interest, to limit hold-over appointments to 60 days, to set deadlines for completing contract negotiations with police and fire employees, and to re-name the Commission on Aging as "the Commission on Aging and Adult Services."

CONTINUED by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Dufty

031561 [Charter Amendment - Allowing the City to reduce the minimum police staffing level after conducting a study of which positions could be filled by civilian personnel rather than sworn officers.]

Supervisor Ammiano

Charter amendment (Second Draft) to amend Section 4.127 and to add Section 16.123, to: provide for a study of which positions in the Police Department could be filled by civilian personnel rather than sworn officers; allow the City to reduce the minimum police staffing level for each position it converts from sworn to civilian, without decreasing the number of police officers dedicated to neighborhood community policing, patrol, and investigations; and, provide that no police officer shall be laid off in order to convert a position from sworn to civilian.

9/16/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/16/2006.

10/20/03, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in committee. Speakers: Tom Owen, Deputy City Attorney; Ed Harrington, Controller; Chris Cunnie.

10/20/03 Amendment of the whole bearing new title.

Continued to meeting on October 27, 2003.

10/20/03, CONTINUED.

Heard in Committee. Speakers: Supervisor Tom Ammiano; Tom Owen, Deputy City Attorney, City Attorney's Office; Ken Bruce, Budget Analyst's Office; Police Chief Alex Fagan, San Francisco Police Department; Ed Harrington, Controller; Joe Wilson, Coleman Advocates for Youth; Chris Cunnie, President, POA.

REFERRED WITHOUT RECOMMENDATION by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Dufty

031542 [Charter Amendment - Reclassify Deputy Sheriffs as Safety Employees Covered Under Charter Section A8.590-1 et seq.]

Supervisors Ma, Daly, Dufty

Charter amendment (Second Draft) to amend Sections A8.409 and A8.590-1 et seq. to reclassify Deputy Sheriffs as safety employees covered under Charter Section A8.590-1 et seq.

9/16/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/16/2003.

10/20/03, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in committee. Speakers: Dave Helm; Chris Cunnie; David Wong.

10/20/03 Amendment of the whole bearing new title.

Continued to meeting on October 27, 2003.

10/20/03, CONTINUED.

Heard in Committee. Speakers: Ken Bruce, Budget Analyst's Office; Ed Harrington, Controller; Dave Wong, Deputy Sheriff's Association; Frank Kelly, Local 798; Alice Villagomez, Deputy Director, Employee Relations Division, Department of Human Resources.

REFERRED WITHOUT RECOMMENDATION by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Dufty

031574 [Charter Amendment - Board of Supervisors to respond to all orders or requests for the production of City records under designated state and federal laws]

Supervisors McGoldrick, Peskin

Charter amendment (First Draft) to add Section 16.124 to authorize the Board of Supervisors to respond on behalf of the City to all orders or requests for the production of information, records, or other tangible things held by the City, the disclosure of which could violate the rights of any individuals under the State or Federal Constitutions, where the orders or requests are made under laws previously identified by the Board.

9/16/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/16/2003.

10/20/03, CONTINUED. Heard in committee. Speakers: Jerry Threet, Aide to Supervisor McGoldrick; Tom Owen, Deputy City Attorney; Ted Lakey, Deputy City Attorney.

Continued to the meeting on October 27, 2003.

Heard in Committee. Speakers: Supervisor Jake McGoldrick; Tom Owen, Deputy City Attorney, City Attorney's Office.

Amendment of the Whole Bearing Same Title.

Continued to the November 3, 2003 Meeting.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

Charter amendment (Second Draft) to add Section 16.124 to authorize the Board of Supervisors to respond on behalf of the City to all orders or requests for the production of information, records, or other tangible things held by the City, the disclosure of which could violate the rights of any individuals under the State or Federal Constitutions, where the orders or requests are made under laws previously identified by the Board.

CONTINUED by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Dufty

031569 [Charter Amendment - Commission on Aging to Commission on Aging and Adult Services]

Supervisor Daly

Charter amendment (First Draft) to amend Section 4.120 to change the name of the Commission on Aging to Commission on Aging and Adult Services.

9/16/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/16/2003.

Heard in Committee. Speakers: Bill Barnes, Legislative Aide to Supervisor Daly; Jennifer Coffey, Department of Aging and Adult Services; Tom Owen, Deputy City Attorney, City Attorney's Office.

File 031569 combined with File 031543.

TABLED by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Dufty

031567 [Charter Amendment - San Francisco Department of Public Health]**Supervisors Daly, Gonzalez**

Charter amendment (First Draft) to repeal Section 4.110 regarding the Health Commission and adding Article VIII C, to increase the autonomy and fiscal authority of the Health Commission and change the qualifications of Health Commissioners, establish a stable baseline funding level for the Department of Public Health, streamline administrative operations and reduce bureaucracy, ensure the continued operation of County hospitals, clinics, and programs for the chronically ill, designate universal healthcare as one of the Department's top advocacy priorities, create enhanced coordination of trauma care, guarantee culturally competent care through community-based primary care clinics, maintain operation of the Mental Health Rehabilitation Facility, and establish as a goal, pay equity for nonprofit and City workers performing similar jobs for the Department of Public Health.

(Fiscal impact.)

9/16/03, RECEIVED AND ASSIGNED to Rules Committee.

9/23/03, SUBSTITUTED to Board of Supervisors. Supervisor Daly submitted a substitute Charter amendment bearing new title.

9/23/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/23/2003.

Heard in Committee. Speakers: Bill Barnes, Legislative Aide to Supervisor Daly; Jeff Sheehy; Dick Hodson, San Francisco Community Clinic Consortium; Carol Stewart; Diana Parker, Legislative Aide to Supervisor Dufty; Female Speaker; Representative from Committee on Jobs; Dr. Mitchell Katz, Director, Department of Public Health.

Amendment of the Whole Bearing New Title.

Continued to the November 3, 2003 Meeting.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

Charter Amendment (Second Draft) to repeal Section 4.110, regarding the Health Commission, and adding a new Article VIII C, to increase the autonomy and fiscal authority of the Health Commission and change the qualifications of Health Commissioners, establish a stable baseline funding level for the Department of Public Health, ensure the continued operation of County hospitals, community-based public health clinics, and chronic disease and injury prevention and health promotion programs, designate universal healthcare as one of the Department's top advocacy priorities, ensure continued planning, coordination and oversight of the San Francisco Emergency Medical Services/Trauma System, guarantee culturally competent care through community-based primary care clinics, maintain operation of the Mental Health Rehabilitation Facility, and establish as a goal, pay equity for nonprofit and City workers performing similar jobs for the Department of Public Health.

CONTINUED by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Dufty

ADJOURNMENT

The meeting adjourned at 12:19 p.m.

CITY AND COUNTY



[Budget Analyst Report]
Susan Hom
Main Library-Govt. Doc. Section
OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

October 23, 2003

TO: Rules Committee

DOCUMENTS DEPT.

FROM: Budget Analyst

OCT 28 2003

SUBJECT: October 29, 2003 Rules Committee Meeting

SAN FRANCISCO
PUBLIC LIBRARY

Item 1 - File 03-0857

Note: This item was continued by the Rules Committee at its meeting of October 22, 2003.

Department: Retirement

Proposed Charter
Amendment:

Charter Amendment (Fourth Draft) adding Section A8.506-5 to authorize the Board of Supervisors to contract with the Board of Administration of the Public Employees' Retirement System to provide for increased retirement benefits for District Attorneys, Public Defenders, and Public Defender's Investigators.

Draft: Fourth

Charter Sections
Affected:

Section A8.506-5

Description:

Currently, attorneys in the District Attorney's Office and Public Defender's Office and Public Defender's Investigators receive retirement benefits as members of the San Francisco Employees' Retirement System (SFERS). Under the existing Charter Sections A8.509 and A8.587, miscellaneous City employees who are members of SFERS, including attorneys in the District Attorney's Office and Public Defender's Office and Public Defender's Investigators, who are a minimum of 50 years of age and

have a minimum of 20 years of service in the SFERS, are eligible to retire. Currently, such employees receive retirement compensation, as shown in the Attachment, based on a percent for each year of credited service times the age at retirement (one percent at age 50, increasing by one-quarter of one-tenth of one percent (0.00025) every three months, resulting in a maximum of two percent at age 60). Charter Section A8.509 caps retirement benefits at 75 percent of the average final compensation.

The proposed Charter Amendment would allow the Board of Supervisors to contract with the Board of Administration of the State Public Employees' Retirement System of the State of California, to provide retirement benefits for District Attorneys, Public Defenders and Public Defender Investigators through the California Public Employees' Retirement System (PERS), rather than through the SFERS, in order to increase retirement benefits for such classifications. According to Mr. Dan Maguire of the City Attorney's Office, the proposed Charter Amendment would allow the Board of Supervisors to enter into a contract with the Board of Administration to provide retirement benefits similar to those benefits currently paid to police officers and firefighters through the SFERS.

According to Mr. Maguire, the Charter Amendment requires that District Attorneys, Public Defenders, and Public Defender Investigators be considered police officers for purposes of the Federal Social Security Act, which would allow such employees to withdraw from the Social Security System, thereby eliminating the need for the City to fund Social Security benefits for such employees. According to Ms. Clare Murphy of the San Francisco Employees' Retirement System, if the subject classifications are allowed to withdraw from the Social Security System, the City would achieve annual savings equal to approximately 6.25 percent of the first \$87,000 of covered salaries for the subject classifications. Ms. Murphy advises that it is uncertain whether the Social Security Administration would consider the subject classifications as police officers for purposes of the Federal Social Security Act due, to Federal Social Security regulations.

BOARD OF SUPERVISORS
BUDGET ANALYST

The proposed Charter Amendment contains a provision which prevents the Board of Supervisors from entering into a contract with the State Public Employees' Retirement System until the Board of Supervisors receives a final determination, from PERS and/or the Social Security Administration, that attorneys in the District Attorney's Office and Public Defender's Office and Public Defender Investigators would be excluded from coverage under the Social Security Act.

The proposed amendment also includes a provision, which states that, the "The power to enter into a contract under subsection (a), above, shall be limited to a contract that is cost-neutral to the City. Employee bargaining units shall be permitted to trade salary or other employer-paid benefits to achieve cost-neutrality." According to Mr. Jay Huish of the San Francisco Employees' Retirement System, any increase in retirement costs to the City and County would be negotiated to "cost neutrality" through the collective bargaining process. Mr. Maguire states that "cost neutrality" would be achieved if there is no net increased cost to the City and County. Mr. Maguire further states that disputes under this provision would not be subject to dispute resolution procedures.

Comments:

1. The proposed Charter Amendment would enable the Board of Supervisors to enter into contracts with the PERS Board of Administration making District Attorneys, Public Defenders and Public Defender Investigators members of PERS even if such membership results in increased retirement costs to the City and County. However, as previously noted, Mr. Huish states that under the proposed Charter Amendment, such increased costs are to be negotiated to cost neutrality through the collective bargaining process.
2. Mr. Huish estimates that the proposed Charter Amendment would make approximately 215 additional City employees eligible for PERS. According to Ms. Murphy, under the proposed Charter Amendment, which would grant authority to the Board of Supervisors to enter into a new contract with the Board of Administration of the Public Employees' Retirement System (PERS) of the State of California for District Attorneys, Public Defenders and Public Defender Investigators, a new

BOARD OF SUPERVISORS
BUDGET ANALYST

contract would most likely increase the level of benefits of the affected employees, resulting in increased retirement costs to the City. However, as noted above, the proposed Charter Amendment requires that such a contract be cost-neutral to the City.

3. As of the writing of this report, the Controller's Office had not completed the Controller's fiscal impact analysis for the proposed Charter Amendment. Ms. Peg Stevenson of the Controller's Office advises that the Controller will provide the Rules Committee with their analysis by the October 29, 2003 meeting.

Recommendation: Approval of the proposed Charter Amendment is a policy matter for the Board of Supervisors.

Existing

Age at Retirement	Percent for Each Year of Credited Service
50	1.0000
50 1/4	1.0250
50 1/2	1.0500
50 3/4	1.0750
51	1.1000
51 1/4	1.1250
51 1/2	1.1500
51 3/4	1.1750
52	1.2000
52 1/4	1.2250
52 1/2	1.2500
52 3/4	1.2750
53	1.3000
53 1/4	1.3250
53 1/2	1.3500
53 3/4	1.3750
54	1.4000
54 1/4	1.4250
54 1/2	1.4500
54 3/4	1.4750
55	1.5000
55 1/4	1.5250
55 1/2	1.5500
55 3/4	1.5750
56	1.6000
56 1/4	1.6250
56 1/2	1.6500
56 3/4	1.6750
57	1.7000
57 1/4	1.7250
57 1/2	1.7500
57 3/4	1.7750
58	1.8000
58 1/4	1.8250
58 1/2	1.8500
58 3/4	1.8750
59	1.9000
59 1/4	1.9250
59 1/2	1.9500
59 3/4	1.9750
60	2.000*

Item 2 - File 03-1547

Note: This item was continued by the Rules Committee at its meeting of October 22, 2003.

Departments: Retirement Board
Employees' Retirement System

Proposes Charter Amendment: Charter Amendment to authorize the City and County to establish plans for the tax-deferred treatment of accrued compensation payable to City employees.

Draft: Second

Charter Section Affected: Add Section A8.599

Description: The proposed Charter Amendment would add Section A8.599 to the City's Charter to empower the Board of Supervisors to enact ordinances to establish a plan or plans, consistent with Federal and State requirements, to provide for the deferred taxation of accumulated vacation, sick leave or other compensation earned by City employees once their employment with the City terminates.

Under the proposed Charter Section A8.599 the Retirement Board would administer any plans approved by three-fourths of the members of the Board of Supervisors. The Retirement Board would also be authorized to (1) contract with a financially responsible independent contractor to administer such plans, and (2) ensure that plan benefits do not conflict with or reduce benefits under City's the existing Retirement System. Under the proposed Charter Amendment, the administrative costs, to be incurred by the City, of any new plan would be borne by the plan participants and by an independent contractor, if one is selected by the Retirement Board. The administrative costs would not be paid for by the City.

Comments: 1. According to Ms. Clare Murphy, Executive Director of the Employees' Retirement System, any plans approved by the Board of Supervisors under this proposed Charter Amendment, to provide for the deferred taxation of accumulated vacation, sick leave, or other compensation

BOARD OF SUPERVISORS
BUDGET ANALYST

earned by City employees, whose employment with the City has terminated, could potentially produce savings to the City. Such savings could be produced because, by transferring accumulated compensation to a tax-deferred plan, the City would not be required to pay Social Security and Medicare on the transferred amounts. Ms. Murphy reports that the City is currently required to pay 6.2 percent in Social Security and 1.45 percent in Medicare to the Federal government on accrued compensation paid out to City employees whose employment with the City has terminated. Ms. Murphy notes that once such former employees withdraw such funds from the plan, he or she would be required to pay State and Federal income taxes, but that the City would not be required to pay Social Security and Medicare on such funds.

Ms. Murphy further notes that under current Federal law, Social Security benefits of the plan participants may be adversely affected by transferring accumulated compensation into any plans created under the proposed Charter Amendment, depending on the age of the participants and whether they have otherwise already become eligible for the maximum Social Security benefits. According to Ms. Murphy, City employees could decide whether to participate in any plan approved by the Board of Supervisors under the proposed Charter Amendment after evaluating whether participating in such a plan would have an adverse effect on his or her Social Security benefits.

2. According to Ms. Murphy, the amount of accrued compensation to be paid by the City would vary based on (a) the number of employees whose employment terminates and (b) on the amount of the accrued compensation balances for those City employees. Ms. Murphy therefore advises that the potential savings to the City would also vary. Ms. Murphy further advises that any administrative costs incurred by the Employees' Retirement System in administering plans approved under the proposed Charter Amendment would be funded by participants in the tax-deferred plan and by an independent contractor, if one is selected by the

Retirement Board and no administrative costs would be borne by the City.

In summary, Ms. Murphy reports that any tax-deferred plans created under the proposed Charter Section A8.599 would (a) be compliant with provisions of the Internal Revenue Service Code, (b) result in no cost to the City (employer), (c) allow for self-directed investment options, (d) include flexible pay-out options, and (e) result in savings to the City, the amount of which would vary.

3. As shown in the Attachment to this report, provided by the Controller's Office, the Controller reports that the City could save up to approximately \$250,000 annually, should the proposed Charter Amendment be approved by the voters.

Recommendation: Approve the proposed Charter Amendment.



CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER

Attachment

Ed Harrington
Controller

Monique Zmuda
Deputy Controller

October 21, 2003

Ms. Gloria Young
Clerk of the Board
Board of Supervisors
City Hall, Room 244
Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

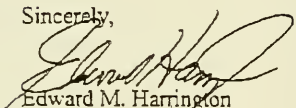
RE: File Number 031547
Charter amendment to establish plans for the tax-deferred treatment of accrued compensation payable to employees

Dear Ms. Young:

Should the proposed Charter amendment be approved by the voters, in my opinion, the City could save up to \$250,000 annually.

The proposal allows for creation of a plan where City employees could defer income that they receive as lump-sum payments for accumulated vacation, sick leave or other compensation when they retire from the City. Under such a plan, employees would have an additional option for tax savings and retirement planning. Subject to certain limits, the City would not be required to pay social security and Medicare taxes on the amounts transferred, and, based on FY 2002-2003 eligible amounts, could save up to approximately \$250,000 annually. The amendment provides that the Retirement System may manage such a plan through an independent contractor, and that the costs of administering the plan itself would be borne by the participants.

Sincerely,


Edward M. Harrington
Controller

Note: This analysis reflects our understanding of the proposal as of the date shown. At times further information is provided to us which may result in revisions being made to this analysis before the final Controller's statement appears in the Voter Information Pamphlet.

Item 3 - File 03-1562

Note: This item was amended and continued by the Rules Committee at its meeting of October 22, 2003.

Proposed Charter

Amendment: Charter Amendment authorizing the Board of Supervisors to amend or repeal provisions of the Domestic Partnership Ordinance to effectuate the voters' intent that domestic partners be afforded the same rights and responsibilities as spouses, and that domestic partners are treated exactly the same as spouses for benefits under the Employees Retirement System.

Draft: Third

Charter Sections

Affected: Adding Section 16.125 and amending Section A8.500-2

Description: The proposed Charter Amendment would add a new Section 16.125 to the City's Charter to authorize the Board of Supervisors, with three-fourths approval of its members, to amend or repeal the City's existing Domestic Partnership Ordinance to (1) eliminate any residency requirement for establishing a Domestic Partnership by filing with the County Clerk, (2) recognize domestic partnerships formed in other jurisdictions, and (3) afford domestic partners the same rights, benefits and responsibilities as spouses. The City's existing Domestic Partnership Ordinance, which was approved by the voters in San Francisco in 1990, allows domestic partners who either live or work in San Francisco to register as domestic partners with the San Francisco County Clerk.

The proposed Charter Amendment would also amend Section A8.500-2 to provide that (1) domestic partnerships be treated exactly the same as marriages, (2) domestic partners be treated exactly the same as spouses, (3) termination of a domestic partnership be treated exactly the same as a dissolution of a marriage, and (4) qualified surviving spouses be treated exactly the same as qualified surviving spouses, with respect to the City's Employees Retirement System.

In addition, the proposed Charter Amendment contains specific dates for implementation of the proposed provisions, assuming approval by the San Francisco electorate on March 2, 2004, such that entitlement to benefits from this Charter Amendment would be payable prospectively only.

Comments:

1. According to Mr. Dan Maguire of the City Attorney's Office, under the existing law, the surviving domestic partner of a member of the City's Employees Retirement System is entitled to the same benefits as a surviving spouse of a member of the City's Employees Retirement System only if (1) the domestic partnership was formed prior to the member's retirement and (2) the certificate of domestic partnership was filed with the County Clerk and the Employees Retirement System at least one year prior to the member's retirement or death under certain plans. Mr. Maguire states that, in contrast to the retirement benefits received by domestic partners, a surviving spouse of a member of the City's Employees Retirement System is not required to submit proof of marriage with the County Clerk or the Employees Retirement System prior to the member's retirement or death in order to receive retirement benefits from the City under specified plans.

2. Ms. Catharine Barnes of the City Attorney's Office advises that the proposed Charter Amendment would authorize the Board of Supervisors, with at least three-fourths of its members or nine members, to amend the existing Domestic Partnership Ordinance in order to afford domestic partners, to the fullest extent legally possible, the same rights, benefits, responsibilities, obligations and duties as married persons with respect to City laws, policies and retirement provisions. Ms. Barnes advises that the proposed Charter Amendment includes a required three-fourths approval by the Board of Supervisors, to be consistent with the City's Charter provisions that affect retirement systems changes by ordinances approved by the Board of Supervisors. Mr. Maguire states that the proposed Charter Amendment would authorize, but would not legally compel, the Board of Supervisors to adopt such legislation.

3. Attachment I contains the Controller's fiscal impact analysis for the second draft of the proposed Charter Amendment. As stated in Attachment I, the changes in the proposed Charter Amendment are already considered in the actuarial modeling done by the Retirement System to project the costs of pension benefits, and therefore the cost of the proposed Charter Amendment to the City and County would be minimal. Ms. Peg Stevenson of the Controller's Office advises that the Controller's Office will be reviewing the changes in the subject third draft of the proposed Charter Amendment and reporting any required changes in such fiscal impacts to the October 29, 2003 Rules Committee.

4. Attachment II, provided by Ms. Clare Murphy of the Employees Retirement, states that the proposed Charter Amendment is not expected to increase the cost of the San Francisco Employees' Retirement System. Attachment II further states that the Retirement System actuarial assumptions regarding existence of qualified surviving parties are sufficient to address the limited additional continuation, which may result from the passage of this Charter Amendment.

Recommendation: Approval of the proposed Charter Amendment is a policy matter for the Board of Supervisors.



CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER

Ed Harrington
Controller
Monique Zmuda
Deputy Controller

October 20, 2003

Ms. Gloria Young
Clerk of the Board
Board of Supervisors
City Hall, Room 244
Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

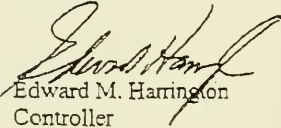
RE: File Number 031562

Charter amendment to ensure that domestic partners are treated exactly the same as spouses for benefits under the Retirement System.

Dear Ms. Young:

Should the proposed amendment be adopted, in my opinion, the cost to the City and County would be minimal, as estimated by the Retirement System actuary. In general, the clarifications of City law in the proposed amendment are already considered in the actuarial modeling done by the Retirement System to project the cost of pension benefits.

Sincerely,


Edward M. Harrington
Controller

Note: This analysis reflects our understanding of the proposal as of the date shown. At times further information is provided to us which may result in revisions being made to this analysis before the final Controller's statement appears in the Voter Information Pamphlet.



October 21, 2003

Ms. Gloria L. Young
Clerk of the Board
Board of Supervisors
Room 244, City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Post-it* Fax Note	7671	Date	10/22/03	# of pages	2
To	Debra Newman	From	JAY HUIST		
Co./Dept.	Budget Analyst	Co.	SPERS		
Phone #	554-7642	Phone #	487-7015		
Fax #	252-0461	Fax #	487-7023		

Subject: File Number 031562 (Third Draft)
Retirement System Benefits for Domestic Partners

Dear Ms. Young:

This letter provides the cost and effect analysis required by Charter Section for A8.500 for all additions or proposed changes to the San Francisco Employees' Retirement System. This proposed Charter Amendment will cause surviving domestic partners to be treated exactly the same as surviving spouses under the Retirement System.

Effect of the Proposal

The effect of this proposed Charter Amendment is to ensure that surviving domestic partners are treated exactly as surviving spouses under the provisions of the Retirement System. Specifically the proposal will change the following San Francisco Employees' Retirement System provisions as follows:

- Members will no longer be required to provide copies of registration to the Retirement System one year prior to retirement or death in order for domestic partners to be entitled to surviving spouse continuation benefits.
- Termination of domestic partnerships will be treated the same as dissolution of marriages.
- Creation of domestic partnerships by a qualified surviving domestic partner or qualified surviving spouse will result in the termination of survivor benefits, in the same way as a subsequent remarriage terminates such benefits.
- Proof of domestic partnership must be presented by the surviving domestic partner in a form equivalent to a publicly recorded marriage certificate license.
- Entitlements to benefits as a result of this Charter Amendment and any subsequent ordinances are payable prospectively only.
- Domestic Partners survivors of retirees, who die on or after March 2, 2004, shall be entitled to exactly the same benefits as are payable to surviving spouses whose member spouse died on or after the amendment.
- Surviving spouses of retired members who have subsequently created a domestic partnership will be entitled to continue receiving the survivor benefit, but will not be entitled to any survivor benefit as a result of the subsequent domestic partnership.

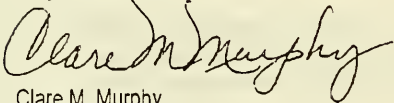
Letter to Gloria Young
Board of Supervisors (File Number 031562)
October 21, 2003
Page 2

Cost of the Proposal

This proposed Charter Amendment is not expected to increase the cost of the San Francisco Employees' Retirement System. The Retirement System actuarial assumptions regarding existence of qualified surviving parties are sufficient to address the limited additional continuation, which may result from the passage of this Charter amendment.

Representatives of the San Francisco Employees' Retirement System will attend the October 29, 2003 Rules Committee meeting and will be available to answer questions.

Very truly yours,



Clare M. Murphy
Executive Director

C: Mayor Willie L. Brown, Jr.
Supervisor Matt Gonzalez, President, Board of Supervisors
Supervisor Tony Hall Chair, Rules Committee
Supervisor Bevan Dufty, Vice Chair, Rule Committee
Deborah Muccino, Clerk, Rules Committee
Harvey Rose, Budget Analyst
Leanne Nhan, Office of the Budget Analyst
Ed Harrington, Controller
Peg Stevenson, Controller's Office
Dennis Herrera, City Attorney

Item 4 – File 03-1541

Note: The Budget Analyst received the Third Draft of this proposed Charter Amendment just prior to the issuance of this report. The Third Draft combines Charter Amendments, as reported by the Budget Analyst under Item 2 – File 03-1547 and under Item 3 – File 03-1562 of this October 29, 2003 report to the Rules Committee, with the First Draft version of this proposed Charter Amendment – File 03-1541. The original First Draft version of this proposed Charter Amendment is described below.

**Proposed Charter
Amendment:**

Charter Amendment to authorize tax-deferred transfer of vacation and sick leave; amendments to the Domestic Partnership Ordinance equalizing benefits and obligations of domestic partners and spouses; and to allow for employees called to active duty to receive supplemental compensation for a period to be specified by ordinance.

Draft: First

**Charter Sections
Affected:** Section A8.400

Description: Currently, Charter Section A8.400 provides that the Mayor may submit an ordinance for consideration by the Board of Supervisors to permit City employees called to active duty with a United States military reserve organization to receive compensation from the City equal to the difference in the amount of the individual's military pay and the amount the individual would have received as a City employee based on his or her normal work schedule, including any merit raises which otherwise would have been granted during the time the individual was on active duty.

This existing Charter provision is notwithstanding any other limitations in the Charter to the contrary and is subject to meet and confer obligations of State law. In addition, the ordinances submitted by the Mayor for Board of Supervisors consideration to allow for such additional military compensation to be paid by the City requires that (1) the City employee is called into

BOARD OF SUPERVISORS
BUDGET ANALYST

military active duty for more than 30 days, (2) the call to active service is for extraordinary circumstances, and not for regular scheduled training, drills, assemblies, or similar events, (3) offsets are required to be paid pursuant to law such that no double payments can occur, (4) the individual employee must return to City service within 60 days of release from active duty or within 60 days of return to fitness for employment, otherwise the additional City compensation is treated as a loan, payable with interest, in accordance with specified provisions in the Charter, and (5) this provision will not apply to any military active duty served voluntarily after the time the City employee is called to active service.

The existing Charter Section also states that (1) the period that can be specified in the ordinance providing for such additional City compensation cannot exceed 180 days, or six months, and (2) the ordinance cannot be retroactive.

The proposed Charter Amendment would delete these latter two existing Charter provisions, and permit the Mayor and the Board of Supervisors to determine, in the implementing ordinance, the length of time for additional City compensation and whether such compensation could be paid on a retroactive basis.

Comments:

1. According to Mr. Philip Ginsburg of the City Attorney's Office, State law provides numerous rights for employees that are called to active military duty, but State law currently only requires 30 days of paid leave. However, Mr. Ginsburg advises that many public jurisdictions presently provide supplemental pay and benefits to employees called to active military duty to mitigate the economic hardship caused by reductions in salary and benefits while serving in the military on active duty. According to Mr. Ginsburg, the State of California provides similar benefits to its employees and the State recently extended a similar supplemental pay benefit to 365 days, or a full year.

2. In July of 2003, the Board of Supervisors approved the FY 2003-2004 Annual Salary Ordinance, which contains Section 2.4, Supplementation of Military Pay

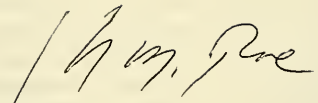
BOARD OF SUPERVISORS
BUDGET ANALYST

in accordance with the current Section A8.400 of the City's Charter. Section 2.4 provides for additional City compensation, retirement service credit and all other benefits to which City employees called into active military duty would otherwise have been entitled had the City employee not been called to active military duty. As noted above, under the existing Charter provisions, these additional pay and benefit provisions cannot exceed 180 calendar days or be paid on a retroactive basis.

3. Given that the proposed ordinance would delete the time limitation of 180 days and delete the provision to prohibit retroactive pay, the proposed Charter Amendment could result in increased costs to the City for compensation paid to City employees called to military active duty with a U.S. military reserve organization. According to Ms. Alice Villagomez of the Department of Human Resources, there are fewer than 20 City employees that currently would be affected by the proposed Charter Amendment, primarily within the Fire, Sheriff and Police Departments. However, until the actual ordinance containing the specific provisions is submitted by the Mayor to the Board of Supervisors for approval, the actual costs of the proposed provisions cannot be determined.

4. As of the writing of this report, the Controller's Office had not completed the Controller's fiscal impact analysis for the subject proposed Charter Amendment. Ms. Peg Stevenson of the Controller's Office advises that the Controller will provide the Rules Committee with their analysis by the October 29, 2003 Rules Committee Meeting.

Recommendation: Approval of the proposed Charter Amendment is a policy matter for the Board of Supervisors.


Harvey M. Rose

cc: Supervisor Hall
Supervisor Dufty
President Gonzalez
Clerk of the Board
Controller
Ben Rosenfield
Ted Lakey



City and County of San Francisco

Meeting Minutes

Rules Committee

Members: Tony Hall, Bevan Dufty and Matt Gonzalez

Clerk: Deborah Muccino

San Francisco, CA
94102-4689

Wednesday, October 29, 2003

9:30 AM

Legislative Chambers

Special Meeting

Members Present: Tony Hall, Bevan Dufty, Matt Gonzalez.

DOCUMENTS DEPT.

OCT 31 2003

SAN FRANCISCO
PUBLIC LIBRARY

MEETING CONVENED.

The meeting convened at 9:40 a.m.

030857 [Charter Amendment - Retirement Benefits for District Attorneys, Public Defenders and Public Defender Investigators]

Supervisors Gonzalez, Sandoval, Hall

Charter amendment (Fourth Draft) to add Section A8.506.5 thereto, to authorize the board of supervisors to contract with the board of administration of the Public Employees' Retirement System to provide increased retirement benefits for district attorneys, public defenders and public defender investigators.

7/8/03 Amendment of the whole bearing same title.

5/13/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 6/12/2003.

6/18/03, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in committee. Speakers: John Dwyer; Dan Maguire, Deputy City Attorney.

6/18/03 Amendment of the whole bearing same title. Continued to June 25, 2003.

6/18/03, CONTINUED AS AMENDED.

6/25/03, CONTINUED. Heard in committee. Speakers: None.

Continued to July 2, 2003.

7/2/03, RECOMMENDED AS COMMITTEE REPORT. Heard in committee. Speakers: Ted Lakey, Deputy City Attorney; Jim Andrews; Mike Farrah, Aide to Supervisor Newsom.

7/2/03 Recommended as a committee report "Without recommendation."

7/8/03, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

7/8/03, CONTINUED AS AMENDED. Continued to July 15, 2003 with the Board Sitting as a Committee of the Whole.

7/15/03, RE-REFERRED to Rules Committee.

10/8/03, CONTINUED. Speakers: None.

Continued to October 22, 2003.

10/22/03, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in committee. Speakers: Dan Maguire, Deputy City Attorney.

10/22/03 Amendment of the whole bearing new title.

Continued to the October 29th meeting.

10/22/03, CONTINUED.

Speakers: None.

RECOMMENDED "DO SUBMIT" by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 1 - Gonzalez

031547 [Charter Amendment - Tax-deferred transfer of accrued vacation, sick leave and other compensation to employees]

Supervisor Sandoval

Charter amendment (Second Draft) to add Section A8.599 to authorize the City and County to establish plans for the tax-deferred treatment of accrued compensation payable to employees.

9/16/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/16/2003.

10/22/03, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in committee. Speakers: Supervisor Sandoval; Clare Murphy, Retirement System; Ed Harrington, Controller; Commissioner Al Casciato, Retirement Board; Commissioner Joe Driscoll, Retirement Board.

10/22/03 Amendment of the whole bearing same title.

Continued to meeting on October 29, 2003.

10/22/03, CONTINUED.

Heard in Committee. Speakers: Clare Murphy, Executive Director, Employees Retirement System; Al Casciato, Retirement Board.

RECOMMENDED "DO SUBMIT" by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 1 - Gonzalez

031562 [Charter Amendment - Retirement System benefits for domestic partners]

Supervisors Ammiano, Dufty

Charter amendment (Third Draft) to add Section 16.125 authorizing the Board of Supervisors to amend or repeal provisions of the Domestic Partnership Ordinance to effectuate the voters' intent that domestic partners be afforded the same rights and responsibilities as spouses, and by amending Section A8.500-2 so that domestic partners are treated exactly the same as spouses for benefits under the Retirement System.

9/16/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/16/2003.

9/30/03, SUBSTITUTED. Supervisor Ammiano submitted a substitute Charter amendment bearing new title.

9/30/03, ASSIGNED to Rules Committee.

10/22/03, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in committee. Speakers: Elizabeth Goldstein, Human Rights Commission

10/22/03 Amendment of the whole bearing new title.

Continued to the meeting on October 29, 2003.

10/22/03, CONTINUED.

Heard in Committee. Speaker: Cynthia Goldstein, Human Rights Commission.

RECOMMENDED "DO SUBMIT" by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 1 - Gonzalez

031541 [Charter Amendment - Authorizing: tax-deferred transfer of vacation and sick leave; amendments to Domestic Partnership Ordinance equalizing benefits and obligations of domestic partners and spouses; providing military leave compensation.]

Supervisors Newsom, Ammiano, Dufty, Sandoval

Charter amendment (Third Draft) by: (a) adding Section A8.599 to authorize the City and County to establish plans for the tax-deferred treatment of accrued compensation payable to employees and (b) adding Section 16.125, authorizing the Board of Supervisors to amend or repeal provisions of the Domestic Partnership Ordinance to effectuate the voters' intent that domestic partners be afforded the same rights and responsibilities as spouses, and by amending Section A8.500-2 so that domestic partners are treated exactly the same as spouses for benefits under the retirement System; and (c) amending Section A8.400 (h) to allow employees called to active duty to receive supplemental compensation for a period to be specified by ordinance.

9/16/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/16/2003.

10/22/03, DIVIDED. Heard in committee. Speakers: Mike Farrah, Aide to Supervisor Newsom

Divided into two files. The charter amendment content of File 031547 and 031562 were merged together into file 031562. The charter amendment that was originally in 031562 was divided out into a new file (see File No. 031778).

10/22/03 Amendment of the whole bearing new title

10/22/03, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

10/22/03, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The committee added back the contents of what had previously existed in file 031541 to merge with what had previously existed in files 031547 and 031562 to make one combined file.

10/22/03 Amendment of the whole bearing new title.

Continued to the October 29, 2003 meeting.

10/22/03, CONTINUED.

Heard in Committee. Speaker: Al Casciato, Retirement Board.

TABLED by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 1 - Gonzalez

RECESSED

The meeting recessed at 9:50 a.m.

MEETING RECONVENED.

The meeting reconvened at 11:12 a.m.

031605 [Aggressive Panhandling]

Supervisor Gonzalez

Hearing on the legality of Section 120-1 of the Municipal Police Code, prohibiting aggressive panhandling.

9/23/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Mariam Morley, Deputy City Attorney, City Attorney's Office; John Viola, Status Crimes Defense Collaborative; Michael Harris, Lawyer's Committee for Civil Rights; Richard Robinson; Male Speaker; Paul Bodin, Coalition on Homelessness; Randall Collell, Coalition on Homelessness; Ginger Martin, Mayor's Criminal Justice Grant for Safety Network; John Wilson, Board Member, Coalition on Homelessness; David Grace; Janice Rothstein, Healthcare Worker, UCSF; Jeff Jaquino.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Dufty

ADJOURNMENT

The meeting adjourned at 12:10 p.m.



City and County of San Francisco

Meeting Agenda

Rules Committee

Members: Tony Hall, Bevan Dufty and Matt Gonzalez

Clerk: Deborah Muccino

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Thursday, October 30, 2003

2:30 PM

City Hall, Room 263

Special Meeting

Note: Each item on the Consent or Regular agenda may include the following documents:

- 1) Legislation
- 2) Budget Analyst report
- 3) Legislative Analyst report
- 4) Department or Agency cover letter and/or report
- 5) Public correspondence

These items will be available for review at City Hall, Room 244, Reception Desk.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding City representatives, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance.

DOCUMENTS DEPT.

AGENDA CHANGES

OCT 24 2003

REGULAR AGENDA

SAN FRANCISCO
PUBLIC LIBRARY

10-24-03A10:11 RCVD

1. 031740 [Current Status of Instant Runoff Voting in San Francisco]
Supervisor Gonzalez

Hearing to discuss the current status of Instant Runoff Voting in San Francisco on Election Systems and Software's compliance with their contract and their efforts to gain certification with state and federal authorities.

10/21/03, RECEIVED AND ASSIGNED to Rules Committee. October 15, 2003 Memo from Department of Elections received.

ADJOURNMENT

IMPORTANT INFORMATION

NOTE: Persons unable to attend the meeting may submit to the City, by the time the proceedings begin, written comments regarding the agenda items above. These comments will be made a part of the official public record and shall be brought to the attention of the Board of Supervisors. Any written comments should be sent to: Committee Clerk of the Rules Committee, San Francisco Board of Supervisors, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102 by 5:00 p.m. on the day prior to the hearing. Comments which cannot be delivered to the committee clerk by that time may be taken directly to the hearing at the location above.

LEGISLATION UNDER THE 30-DAY RULE**(Not to be considered at this meeting)**

Rule 5.40 provides that when an ordinance or resolution is introduced which would CREATE OR REVISE MAJOR CITY POLICY, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. The provisions of this rule shall not apply to the routine operations of the departments of the City or when a legal time limit controls the hearing timing. In general, the rule shall not apply to hearings to consider subject matter when no legislation has been presented, nor shall the rule apply to resolutions which simply URGE action to be taken.

031560 [Charter Amendment - appointment of a City Engineer responsible for the design and construction management of all public buildings and public works]**Supervisor Ammiano**

Charter amendment (First Draft) to amend Section 4.130 to provide for appointment of a City Engineer responsible for the design and construction management of all public buildings and public works.

9/16/03, RECEIVED AND ASSIGNED to Rules Committee.

9/23/03, SUBSTITUTED. Supervisor Ammiano submitted a substitute Charter amendment bearing new title.

9/23/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/23/2003.

031567 [Charter Amendment - San Francisco Department of Public Health]**Supervisors Daly, Gonzalez**

Charter amendment (First Draft) to repeal Section 4.110 regarding the Health Commission and adding Article VIIIC, to provide additional increase the autonomy and fiscal authority to of the Health Commission and require greater change the qualifications of Health Commissioners, establish a stable baseline funding level for the Department of Public Health, streamline administrative operations and reduce contracting bureaucracy, ensure the continued operation of County hospitals and clinics, and programs for the chronically ill, designate universal healthcare as one of the Department's top advocacy priorities, establish a baseline funding level for the Department of Public Health and for programs helping San Franciscans with chronic illnesses, guarantee the operation of county hospitals and clinics, establish create enhanced coordination levels for of trauma care, guarantee culturally competent care through community-based primary care clinics, require maintain operation of the Mental Health Rehabilitation Facility, and establish as a goal, pay equity for nonprofit and City workers performing similar jobs for the Department of Public Health.

(Fiscal impact.)

9/16/03, RECEIVED AND ASSIGNED to Rules Committee.

9/23/03, SUBSTITUTED to Board of Supervisors. Supervisor Daly submitted a substitute Charter amendment bearing new title.

9/23/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/23/2003.

031655 [Post-Employment Restrictions for Former City Employees]**Supervisor Newsom**

Ordinance adding Chapter 8, Activities of Former Officers and Employees, to Article III of the Campaign and Governmental Conduct Code; moving section 3.545 of the Campaign and Governmental Conduct Code to section 3.800; and adding prohibitions to prevent former City employees, for a period of two years, from communicating on behalf of any other person or entity, other than the City and County of San Francisco, with an elected public official who was the former employee's appointing authority or City employees who are current appointees of that appointing authority.

9/30/03, RECEIVED AND ASSIGNED to Rules Committee.

10/21/03, SUBSTITUTED. Supervisor Newsom presented a substitute ordinance approved as to form, replacing a draft previously submitted.

10/21/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 11/20/2003.

031656 [Campaign Consultants Lobbying Current and Former Clients]**Supervisor Newsom**

Draft ordinance amending Article II, Chapter I, Section 2.100, adding Section 2.117 to Article II, Chapter I, and adding Section 1.545 to Article I, Chapter 5 of the Campaign and Governmental Conduct Code to prohibit campaign consultants and employees of campaign consultants from lobbying current and former clients.

9/30/02, RECEIVED AND ASSIGNED to Rules Committee.

10/21/03, SUBSTITUTED. Supervisor Newsom presented a substitute ordinance approved as to form, replacing a draft previously submitted.

10/21/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 11/20/2003.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board has several standing Committees where ordinances and resolutions are the subject of hearings at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience at a Committee meeting to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers, and similar sound-producing electronic devices; 3) signs to be brought into the meeting or displayed in the room; 4) standing in the meeting room.

Citizens are encouraged to testify at Committee meetings and to write letters to the Clerk of a Committee or to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Agenda are available on the internet at www.sfgov.org/bdsupvrs.bos.htm.

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT CITY HALL, ROOM 244, RECEPTION DESK.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.

Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact Ohn Myint at (415) 554-7704.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

**翻譯 必須在會議前最少四十八小時提出要求
請電 (415) 554-7701**

Disability Access

Both the Committee Room (Room 263) and the Legislative Chamber are wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

All meetings are real-time captioned and are cablecast open-captioned on SF Cable 26.

The following services are available when requested 48 hours before the Committee meeting. This advance notice will help ensure availability.

- For American Sign Language interpreters or use of a reader during a meeting, contact Ohn Myint at (415) 554-7704.
- For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.
- Assistive listening devices are available from the receptionist in the Clerk of the Board's Office, Room 244, prior to the meeting.
- The Clerk of the Board's Office TTY number is (415) 554-5227.

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The Sunshine Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall; by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102 by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at Donna.Hall@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine.htm>

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

[Budget Analyst Report]

Susan Hom

Main Library-Govt. Doc. Section

CITY AND COUNTY



OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

DOCUMENTS DEPT.

NOV - 3 2003

SAN FRANCISCO
PUBLIC LIBRARY

October 30, 2003

TO: ≡ Rules Committee
FROM: ≡ Budget Analyst
SUBJECT: November 3, 2003 Special Rules Committee Meeting

Item 1 - File 03-1574

Note: This item was amended and continued by the Rules Committee at its meeting of October 27, 2003.

Proposed Charter Amendment:

Charter Amendment adding Section 16.124 to authorize the Board of Supervisors to respond on behalf of the City to all orders or requests for the production of information, records, or other tangible things held by the City if the disclosure of such information could violate the rights of any individuals under the State or Federal Constitutions, where the orders or requests are made under laws previously identified by the Board.

Draft: Second

Description: Current Federal laws, such as the USA PATRIOT Act, authorize the Federal government to either request or order information, records or tangible things which are held by the City. According to Mr. Tom Owen of the City Attorney's Office, tangible things are any material objects or entities such as vehicles, books, computers, and weapons. Such

BOARD OF SUPERVISORS
BUDGET ANALYST

information, records or tangible things held by the City may contain information regarding private individuals, of which the disclosure of such information by the City may violate the constitutional rights of that private individual.

The proposed Charter Amendment, if approved by the voters, would add Section 16.124 to allow the Board of Supervisors to designate as a "watch law" any State or Federal law that requires the City to turn over any information, records, or tangible things held by the City. Designation of a State or Federal law as a "watch law" would be determined by approval of a resolution by the Board of Supervisors, if the Board of Supervisors concluded that any disclosure made by the City could violate the constitutional rights of the individuals involved.

Further, under the proposed Charter Amendment, the Board of Supervisors could adopt an ordinance, prior to a request or order for the production of information, records or other tangible items, that would enable the Board of Supervisors to respond on behalf of the City, to all orders or requests for the production of information, records, or other tangible items held by the City, if such orders or requests are made under laws previously identified by the Board of Supervisors as "watch laws". According to Mr. Owen, specific procedures for review of the subject order or request by the Board of Supervisors could be established by this ordinance. This ordinance could also provide for expedited procedures and for confidential procedures where required by State or Federal law. Mr. Owen reports that currently, individual City officers or City departments respond to such requests or orders for the production of information, records or tangible things which are held by the City.

According to Mr. Owen, subsequent to a request or order for the production of information, records, or other tangible things, the Board of Supervisors would determine whether turning over the information, records, or tangible things would violate the constitutional rights of individuals involved, and adopt a resolution to approve or deny requests for the

Memo to Special Rules Committee**November 3, 2003 Special Rules Committee Meeting**

production of information, records or tangible things made under "watch laws". However, the Board of Supervisors could first refer the matter to a committee of the Board of Supervisors for review and for recommendation of an appropriate response, after consultation with the City Attorney regarding an appropriate course of action.

Comment:

As noted in the attached memorandum provided by the Controller, the Controller's Office reports that under the proposed Charter Amendment, "there would be a minimal impact on the cost of government."

Recommendation:

Approval of the proposed Charter Amendment is a policy matter for the Board of Supervisors.

**CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER****Ed Harrington**
Controller
Montique Zmuda
Deputy Controller

October 17, 2003

Ms. Gloria Young
Clerk of the Board
Board of Supervisors
City Hall, Room 244
Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

RE: File Number 031574
Charter amendment to authorize the Board of Supervisors to respond to orders or requests for the production of City records, information, or other tangible things held by the City, under designated state and federal laws where the Board has determined such disclosure could violate the rights of individuals under the State or Federal Constitutions.

Dear Ms. Young,

Should the proposed charter amendment be adopted, in my opinion, there would be a minimal impact on the cost of government.

Sincerely,

A handwritten signature in dark ink, appearing to read "Edward M. Harrington".

Edward M. Harrington
Controller

Note: This analysis reflects our understanding of the proposal as of the date shown. At times further information is provided to us which may result in revisions being made to this analysis before the final Controller's statement appears in the Voter Information Pamphlet.

Item 2 – File 03-1543

Note: This Charter Amendment was amended and continued at the Special Rules Committee meeting of October 27, 2003.

Departments: Department of Human Resources (DHR)
Fire Department
Police Department

**Proposed Charter
Amendment:**

Charter Amendment amending Sections 2.103, 2.104, and Article XVII, by adding Section 4.101-1, and amending Section A8.590 to (a) toll deadlines for actions by the Board of Supervisors when the Board of Supervisors is on recess, (b) reduce the number of votes required when one or more Board members are disqualified from voting on a matter because of a conflict of interest, (c) limit hold-over appointments to 60 days, (d) set deadlines for completion of labor negotiations for uniformed employees of the Police and Fire Departments identical to those already in place for other City employee labor negotiations under Charter Section A8.409 which covers miscellaneous employees, including Deputy Sheriffs, and (e) re-name the Commission on Aging as the "Commission on Aging and Adult Services."

Draft: Third

**Charter Sections
Affected:** Sections 2.103, 2.104, Article XVII, by adding Section 4.101-1, A8.590, and 4.120

Description: Board of Supervisors Recesses and Tolling
Deadlines

The proposed amendment to Charter Section 2.103 would provide that when the Board of Supervisors is on recess, most deadlines for Board of Supervisors action specified in the Charter would be extended by the number of days remaining for the recess, with a maximum extension of 45 days, with the exception of those deadlines listed below

BOARD OF SUPERVISORS
BUDGET ANALYST

in Comment No. 1. For example, if the Board of Supervisors is on recess for five days after the Mayor vetoed an ordinance, the proposed Charter Amendment would add five days to the Board of Supervisors deadline for overriding the veto.

Vote Requirements and Disqualifications for Conflicts of Interest

As explained in the Attachment, provided by Mr. Thomas Owen of the City Attorney's Office, current Charter provisions establish the number of votes needed for the Board of Supervisors to take particular actions. For example, a simple majority of the full Board of Supervisors (i.e., six Supervisors) is required to approve an ordinance, while a minimum of two-thirds of the full Board of Supervisors (i.e., eight Supervisors) is required to override a mayoral veto. In all cases, the proportion of the Board of Supervisors required to vote in favor of each action is based on the assumption that all 11 members of the Board of Supervisors are available and/or eligible to vote on each matter. However, under State and local law, a Supervisor may be disqualified from voting on a matter if s/he has a financial stake in the decision or another conflict of interest. Currently, under existing Charter provisions, when a Supervisor is disqualified from voting, the number of Supervisors required to vote remains the same proportion of the full 11 members of the Board of Supervisors, even though fewer Supervisors are actually eligible to vote.

Under the proposed Charter Amendment, the proportion of Board of Supervisors members required to vote would be re-calculated on the basis of the number of Supervisors actually eligible to vote. For example, if two Supervisors were disqualified from voting due to conflicts of interest, based on the remaining eligible nine members (11 original members less the two disqualified members), (a) rather than six votes to approve an ordinance, only five votes would be required, as a

BOARD OF SUPERVISORS BUDGET ANALYST

simple majority of the remaining nine Supervisors eligible to vote on the action, and (b) rather than eight votes to override a mayoral veto, only six votes would be required, as two-thirds of the remaining nine Supervisors eligible to vote on the action.

Hold-over Appointments

Most board and commission members are appointed for a fixed term. According to Mr. Owen, under common law and the California Government Code, an elected board or commission member may continue to carry out his or her office's duties after his or her term expires, until re-election, reappointment, or a successor takes office. During that period, the officer is referred to as a "hold-over appointment." Currently, there is no limit on how long an elected board or commission member may serve as a hold-over appointment.

Under the proposed new Charter Section 4.101-1, a limit of no more than 60 days after the expiration of his or her term would be established as the hold-over period for any appointed board or commission member. After 60 days, the member could only serve on the body if s/he was re-appointed. The one exception to this 60-day limit would be those board and commission members who are in hold-over appointments on the effective date of the Charter Amendment (see Comment No. 3).

Deadlines for Police and Fire Negotiations

Currently, Charter Section A8.590 is the City's labor negotiation and interest arbitration statute covering uniformed employees of the Police and Fire Departments.

A separate Charter Section A8.409 is the City's labor negotiation and interest arbitration statute covering miscellaneous employees, including Deputy Sheriffs. Charter Section A8.409 requires that labor negotiations be completed by the start of

BOARD OF SUPERVISORS **BUDGET ANALYST**

the City's new fiscal year. Unlike Charter Section A8.409, Charter Section A8.590 does not specify any timelines for completion of the negotiation and arbitration process for uniformed employees of the Police and Fire Departments.

Mr. Phil Ginsburg of the City Attorney's Office advises that because Charter Section A8.590 does not specify any timelines for completion of the negotiation and arbitration process:

- The negotiation process for uniformed employees of the Police and Fire Departments takes longer than the negotiation process for miscellaneous employees.
- The resulting memoranda of understanding (MOUs) for uniformed employees of the Police and Fire Departments have generally not been ratified until after the start of the new fiscal year, thereby requiring retroactive implementation.
- Uniformed employees of the Police and Fire Departments have historically negotiated "advantageous" MOUs as a result of trailing after all other MOUs are negotiated.

The proposed Charter Amendment, if approved by the voters, would amend Charter Section A8.590 to require labor negotiations for uniformed employees of the Police and Fire Departments to be completed within the same timelines as the labor negotiations for miscellaneous employees covered by Charter Section A8.409. In both cases, negotiations would have to be completed by the start of the City's new fiscal year.

Commission on Aging and Adult Services

The proposed Charter Amendment, if approved by the voters, would re-name the Commission on Aging as the "Commission on Aging and Adult Services" (see Comment No. 9).

BOARD OF SUPERVISORS BUDGET ANALYST

Comments: **Board of Supervisors Recesses and Tolling Deadlines**

1. As stated by Mr. Owen in the Attachment, the proposed amendment to Charter Section 2.103 would not apply to deadlines for (a) preparing and adopting budgets, (b) calling or conducting elections, or (c) collective bargaining. Mr. Martin Gran of the City Attorney's Office advises that collective bargaining is exempted because of its close tie to the budget process.

Vote Requirements and Disqualifications for Conflicts of Interest

2. The proposed amendment to Charter Section 2.104 would not change the quorum requirement of six members of the Board of Supervisors being required in order to hold a Board of Supervisors meeting and conduct business.

Hold-over Appointments

3. As noted above, the proposed addition of new Charter Section 4.101-1 would provide that no appointed board or commission member could serve as a hold-over for more than 60 days. However, the new Charter Section 4.101-1 provides that any person serving as a hold-over board or commission member on the effective date of the Charter Amendment would be permitted to continue serving in that capacity for 90 days following the effective date of the Charter Amendment before having to leave office. Mr. Gran advises that this extended grace period for current hold-over board or commission members is intended to give the Mayor and the Board of Supervisors sufficient time to re-appoint or replace all current hold-over board or commission members before any vacancies are created by operation of the new rule.

BOARD OF SUPERVISORS
BUDGET ANALYST

Deadlines for Police and Fire Negotiations

4. Mr. Ginsburg advises that the new timeline for labor negotiations for uniformed employees of the Police and Fire Departments would be as follows:

New deadline	Step in the labor negotiation process	Existing Charter Section 11.100 extension provisions applied to the new timeline ¹
January 20	Parties must appoint their arbitrators on the Board of Arbitrators	
January 31	Parties must appoint their board members on the Neutral Impasse Resolution Board	
April 1	Deadline for Board of Supervisors approval of negotiated contracts	
May 1		Deadline for Board of Supervisors approval of negotiated contracts with 30-day extension
June 30		Deadline for Board of Supervisors approval of mediated settlements and arbitration awards with 60-day extension from May 1.

5. Ms. Alice Villagomez of DHR advises that the current two-year MOU for the uniformed members of the Police Department, effective from FY 2003-2004 through FY 2004-2005, was not approved by the Board of Supervisors until September of 2003. The previous two-year MOU for the uniformed members of the Police Department, effective from

¹ Under Charter Section 11.100, "... the Board of Supervisors by motion may extend up to 30 days the date for final adoption of ordinances approving salary and benefits ... Should the Board of Supervisors reject any memorandum of understanding and/or schedule of compensation and benefits, the Board of Supervisors shall by motion simultaneously extend by 60 days the date for final adoption of ordinances approving salary, benefits and/or working conditions ..."

BOARD OF SUPERVISORS
BUDGET ANALYST

FY 2001-2002 through FY 2002-2003, had not been approved by the Board of Supervisors until August of 2001.

6. Ms. Villagomez advises that the current two-year MOU for the uniformed members of the Fire Department, effective from FY 2003-2004 through FY 2004-2005, was not approved by the Board of Supervisors until the August of 2003. The previous two-year MOU for the uniformed members of the Fire Department, effective from FY 2001-2002 through FY 2002-2003, had not been approved by the Board of Supervisors until August of 2001.

7. According to Ms. Villagomez, DHR anticipates implementation issues related to the subject Charter Amendment. Currently, staggering the labor negotiations for miscellaneous employees and for uniformed employees of the Police and Fire Departments permits DHR and City Attorney's Office staff to handle the labor negotiations themselves, limiting the use of outside negotiators. Ms. Villagomez reports that during the 2002 labor negotiations, only two outside counsel were hired specifically for labor negotiations, Mr. Jonathan Holtzman and Ms. Susan Mosk, at a cost of \$191,054. Ms. Villagomez further reports that no outside counsel or labor negotiators were hired for the 2003 labor negotiations. If future labor negotiations for both miscellaneous employees and for uniformed employees of the Police and Fire Departments are to be run concurrently, Ms. Villagomez advises that there would potentially be a need to augment DHR and City Attorney's Office staffing during the labor negotiations in order to meet the Charter's timeframes. Ms. Villagomez reports that it would be difficult to estimate the additional cost to the City because the staffing needs each year would be dependent on the number of contracts being negotiated in that year, the negotiation timetable, and the specific issues under discussion.

BOARD OF SUPERVISORS
BUDGET ANALYST

8. Under the proposed amendment to Charter Section A8.590, the new deadlines would not apply to re-opening negotiations under current contracts if the union started the process by April 1, 2004 because the process calls for choosing arbitrators in January of 2004, but the voters will not decide on the proposed Charter Amendment until March of 2004, according to Mr. Gran.

Commission on Aging and Adult Services

9. Since 1996, when the Commission on Aging was added to the City Charter, the City has created a Department of Aging and Adult Services which provides services to both the elderly and to adult dependents. The Commission on Aging shares this expanded mission. Therefore, the Commission seeks a name change to the "Commission on Aging and Adult Services" to reflect its actual focus.

Controller's Fiscal Impact Analysis

10. Attachment I is the Controller's fiscal impact analysis of the proposed Charter Amendment as it relates to Board of Supervisors recesses and tolling deadlines, vote requirements and disqualifications for conflict of interest, and deadlines for Police and Fire negotiations. Attachment II is the Controller's fiscal impact analysis of the proposed Charter Amendment as it relates to the re-naming of the Commission on Aging. In both cases, the Controller reports that the proposed Charter Amendment would not increase the cost of government.

Recommendation: Approval of the proposed Charter Amendment is a policy matter for the Board of Supervisors.

BOARD OF SUPERVISORS
BUDGET ANALYST



**CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER**

Ed Harrington
Controller
Moonique Zmuda
Deputy Controller

October 24, 2003

Ms. Gloria L. Young
Clerk of the Board
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

RE: File Number 030853

Charter Amendment to modify the proceedings of the Board of Supervisors by tolling (suspending) deadlines for action when the Board of Supervisors is in recess, and by reducing the number of votes required by the Board of Supervisors when one or more members are disqualified from voting and to change labor negotiations timelines for police officers and firefighters

Dear Ms. Young,

Should the proposed charter amendment be approved by the voters, in my opinion, it would not increase the cost of government.

The proposed changes to the Board of Supervisors' deadlines and majority requirements are not expected to impact the cost of government.

Currently the Charter has no deadline for completion of the labor agreements between the City and the unions representing uniformed Police and Fire employees. The proposed Charter amendment would set deadlines matching those established for all other employee negotiations under which labor agreements must be negotiated, completed and approved by the Board of Supervisors by June 30th. The amendment would require the City to increase its staff capacity to meet the new deadlines, but would also shorten the negotiation period. Overall the City's cost for the labor negotiations process would not change significantly.

Negotiations with the Police and Fire employee organizations typically conclude after all other labor contracts are completed and several weeks after the beginning of the new fiscal year. The proposed change in the timing of these negotiations could affect the outcome and increase or decrease the City's costs under its labor agreements, but the amendment would not in and of itself result in new costs or savings.

Sincerely,

Edward M. Harrington
Controller

Note: This analysis reflects our understanding of the proposal as of the date shown. At times further information is provided to us which may result in revisions being made to this analysis before the final Controller's statement appears in the Voter Information Pamphlet.



**CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER**

**Ed Harrington
Controller**

**Monique Zmuda
Deputy Controller**

October 24, 2003

Ms. Gloria Young
Clerk of the Board
Board of Supervisors
City Hall, Room 244
Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

RE: File Number 013569
Charter amendment to change the name of the Commission on Aging to the
Commission on Aging and Adult Services

Dear Ms. Young:

Should the proposed Charter amendment be approved by the voters, in my opinion, it would not increase the cost of government.

Sincerely,

Edward M. Harrington
Controller

Note: This analysis reflects our understanding of the proposal as of the date shown. At times further information is provided to us which may result in revisions being made to this analysis before the final Controller's statement appears in the Voter Information Pamphlet.

Item 3 - File 03-1567

Note: The Office of the Sponsor provided the Budget Analyst with amendments that will be introduced at the November 3, 2003 Rules Committee Meeting. This report reflects these amendments.

Department: Department of Public Health (DPH)

Proposed Charter Amendment:

Charter Amendment deleting Section 4.110 and adding Article VIIIC to (1) increase the autonomy and fiscal authority of the Health Commission, (2) change the qualifications of Health Commissioners, (3) establish a baseline funding level for the Department of Public Health, (4) ensure the continued operation of County hospitals, community-based health clinics, chronic disease and injury prevention and health promotion programs, designate universal healthcare as the Department's top advocacy priority, (5) ensure the continued planning, coordination and oversight of the San Francisco Emergency Medical Services/Trauma System, (6) guarantee culturally competent care through community-based primary care clinics, (7) maintain operation of the Mental Health Rehabilitation Facility, and (8) establish pay equity for nonprofit and City workers performing similar jobs.

Draft: Second

Charter Sections Affected:

Deletion of Section 4.110 and addition of Article VIIIC

Description:

Charter Section 4.110 currently provides that (1) the Health Commission consists of seven members appointed by the Mayor for four year terms, (2) the Health Commission membership must have less than a majority of direct care providers (less than four), (3) the Health Commission and the Department of Public Health (DPH) manage and control the City's hospitals, emergency medical services, and in general provide for the preservation, promotion and protection of the physical and mental health of City residents, except where the City's Charter gives such authority to another officer or department, and (4) the Health Commission and the DPH

BOARD OF SUPERVISORS
BUDGET ANALYST

determine the nature and character of public nuisances and provide for their abatement.

The proposed Charter Amendment would delete Charter Section 4.110 described above and would add Article VIIIC to (1) establish new qualification requirements for Health Commission members, (2) provide the Health Commission with greater authority, (3) establish a new Public Health Fund, (4) establish a baseline funding level for DPH, (5) create a new budget process for DPH's budget, (6) establish health care service and policy directives, including designating universal healthcare as DPH's top advocacy priority and requiring continued operations and expansion of health care services, and (7) require biennial independent reviews of DPH operations.

**Expanded Authority
and Control of the
Health Commission:**

The proposed Charter Amendment would establish new qualification requirements for the seven members of the Health Commission.¹ Additionally, the Health Commission would have (1) exclusive authority to administer the City's mental health and substance abuse programs, and would have the authority to (2) arrange for bulk purchases of pharmaceuticals to lower costs, (3) conduct investigations into any matter within its jurisdiction and take actions based on investigative findings, and (4) appoint an at-will executive secretary.

Public Health Fund:

Under the proposed Charter Amendment, a new Public Health Fund would be created. The proposed new Public Health Fund is intended to guarantee the City's annual appropriations to and expenditures for DPH by establishing a "Base Amount".

According to the proposed Charter Amendment, this Base Amount would be a calculation of the amount of all appropriations from the General Fund, including supplemental appropriations, for FY 2002-2003 or FY 2001-2002 or FY 2000-2001, whichever is higher for (1) DPH, (2) homeless services and programs, and (3) all

¹ The proposed Charter Amendment would require that the commissioners must possess significant knowledge of or professional experience in the healthcare field.

BOARD OF SUPERVISORS
BUDGET ANALYST

other City and County commissions, departments and agencies to the extent they provide services to DPH.

According to Ms. Peg Stevenson of the Controller's Office, the highest General Fund appropriation for DPH and for homeless service and programs from FY 2000-2001 to present, occurred in FY 2001-2002. Ms. Stevenson states that based in an initial calculation of the FY 2001-2002 City's actual appropriation to DPH and the FY 2001-2002 General Fund appropriation to the Department of Human Services homeless program, the Base Amount would be at least \$332,143,578 in FY 2004-2005. Therefore, Ms. Stevenson states that in accordance with the proposed Charter Amendment, the City would annually appropriate no less than an estimated \$332,143,578 of General Fund revenues, the Base Amount to the Public Health Fund.

The City would also be required to direct all other funds received from any other source, including State and Federal sources, for the support of public health to the Public Health Fund. The proposed Charter Amendment establishes the Public Health Fund as an interest accruing Fund and any fund balance would be carried forward in the Fund to the next fiscal year.

**Setting and
Adjustments to the
Base Amount:**

The Controller would be responsible for setting the Base Amount for the Public Health Fund for the first year, FY 2004-2005. As stated above, Ms. Stevenson has calculated that the Base Amount would be approximately \$332,143,578 for the first year based on an initial calculation. Thereafter, the Controller would be responsible for adjusting the Base Amount based on (1) the percentage increase or decrease in aggregate City discretionary revenues, (2) increases in General Fund appropriations to DPH to provide continuing or new ongoing services not provided in the Base Year, and (3) a reduction of 50 percent to the Base Amount for increased revenues to DPH generated by tax changes. The Controller would be responsible for adjusting the Base Amount in terms of the factors described above into perpetuity, or until the voters of San Francisco amend the Charter to delete the proposed new Article VIIIC.

BOARD OF SUPERVISORS
BUDGET ANALYST

New Budget Process: The proposed Charter Amendment would establish a new budget process for DPH's budget such that no later than March 1 of each year, the Health Commission would submit its proposed annual budget to the Mayor and the Board of Supervisors. The proposed Charter Amendment states that "the Department shall propose a budget that is balanced but may include service reductions." If service reductions are included in the Health Commission's budget submission to the Mayor and the Board of Supervisors, the Mayor and the Board of Supervisors would be required to hold a public hearing regarding such reductions in the evening or on a weekend day.

The proposed Charter Amendment requires the Mayor to submit the Health Commission's annual budget to the Board of Supervisors without change. If the Health Commission requests General Fund revenues above the Base Amount, such a request would be submitted to the Mayor as a separate budget following the standard procedures for other General Fund departments budget submissions. The Health Commission would be required to submit the budget for the first year, FY 2004-2005, by April 30, 2004, instead of the required March 1st for all subsequent years.

The proposed Charter Amendment would also centralize funding for City housing and urban health programs in DPH's budget such that all expenditures for homeless services provided by other City departments would be included in DPH's budget and thus would require the Health Commission's annual budgetary approval.

**Operational and
Policy Directives:**

The proposed Charter Amendment would establish the following operational and policy directives for the Health Commission and DPH:

- (1) The continued operation of San Francisco General Hospital and Laguna Honda Hospital and the coordination with private nonprofit hospitals in the community;
- (2) The operation of San Francisco General Hospital as an academic medical hospital, which provides high-quality emergency, primary, specialty, rehabilitation and other non-emergency care;

BOARD OF SUPERVISORS
BUDGET ANALYST

- (3) The operation of community-based public health clinics in San Francisco;
- (4) The provision of funding and technical support by the DPH to primary care clinics operated by nonprofit community based organizations;
- (5) The planning and establishment of a "inclusive trauma system" designed to meet the needs of all trauma victims who require care in prehospital, acute care and rehabilitative settings;
- (6) The establishment of reporting requirements by the Health Commission on outcomes for clients receiving substance abuse and mental health treatment services;
- (7) The continued operation of the Mental Health Rehabilitation Facility unless otherwise directed by the Director of Public Health and affirmed by the Mental Health Board;
- (8) The continued operation of the DPH AIDS Office and programs for those suffering from cancer;
- (9) The continued operation of the DPH Environmental Health Section;
- (10) The policy priority of environmental health and justice issues and culturally competent health services;
- (11) The establishment of universal healthcare as one of DPH's highest advocacy priority, and sets as a goal, universal healthcare for all San Francisco residents; and
- (12) The creation of pay equity for nonprofit workers performing work similar to DPH's employees as a goal for DPH and requiring that by FY 2005-2006, DPH provide funds to nonprofit contractors with direct service workers in order for the nonprofit agencies to pay at least 75 percent of the base wage paid to City employees performing similar work.

Quality Review:

The proposed Charter Amendment would require DPH to biennially contract with a nationally recognized management or healthcare consulting firm with offices in San Francisco for an independent review of the quality of DPH's operations. The contract must be competitively bid and approved by the Controller and the Board of Supervisors. The Charter Amendment requires the submission to the Health Commission, the Board of Supervisors, and the Mayor of the audit findings and for

BOARD OF SUPERVISORS
BUDGET ANALYST

conducting a public hearing. However, the Budget Analyst notes that the proposed Charter Amendment does not require DPH to implement audit recommendations.

Fiscal Impact:

Mr. Gregg Sass of DPH has not yet determined the fiscal impact of the proposed Charter Amendment and states that doing so before the November 3, 2003 Rules Committee meeting would be difficult. Mr. Sass also indicated that additional analysis would be required to evaluate the potential additional costs associated with creating pay equity for nonprofit workers performing work similar to DPH's employees such that DPH provide funds to nonprofit contractors with direct service workers in order for the nonprofit agencies to pay at least 75 percent of the base wage paid to City employees performing similar work.

According to Ms. Stevenson, the Base Amount of an estimated \$332,143,578 would require the City to appropriate additional General Fund revenues of at least \$50,000,000 to the Public Health Fund in FY 2004-2005 than was appropriated to the DPH and the DHS homeless services programs in FY 2003-2004. According to the Controller's analysis which is attached to this report, the programs and facilities that the proposed Charter Amendment requires be ongoing and the policy goals, such as paying non-profit service providers wages comparable to those of City employees, are "likely to increase the cost of health services significantly over time." Ms. Aleeta Van Runkle of the City Attorney's Office advises that the Board of Supervisors and the Mayor would have an obligation to approve funding for services and programs that are mandated by the proposed Charter Amendment.

Comments:

1. As previously noted, the proposed Charter Amendment would establish operational and policy objections. Additionally, the Mayor would not be allowed to change the annual DPH budget, submitted by the Health Commission, and the Board of Supervisors would be required to appropriate the Base Amount to DPH, as determined by the Controller.

The Budget Analyst notes that currently the Board of Supervisors and the Mayor have the discretion through

BOARD OF SUPERVISORS
BUDGET ANALYST

the annual budgetary process to determine public health priorities. Such policy priorities change over time due to (1) Federal and State funding for public health, (2) advances in health care delivery, (3) the City's demographics, (4) emerging needs, and (5) the City's financial constraints. However, approval of the proposed Charter Amendment would potentially restrict the ability of the Board of Supervisors and the Mayor from responding to such changes in the future.

2. The proposed Charter Amendment also establishes specific directives to DPH and the Health Commission to provide services, such as the maintenance and operation of San Francisco General Hospital and Laguna Honda hospitals, community-based public clinics, and to continue to operate the Environmental Health Section.

The Budget Analyst notes that such specific directives could only be changed by a voter approved Charter Amendment. Therefore, the proposed Charter Amendment would restrict DPH's and Health Commission's ability to reduce or eliminate the services and programs specified in the proposed Charter Amendment in response to (1) advances in health care delivery, (2) changes in the City's demographics, and (3) emerging health care needs.

3. According to the FY 2003-2004 Annual Appropriation Ordinance, the total FY 2003-2004 City's budget is \$4,799,511,519, of which \$2,244,743,107 or 46.8 percent, is General Fund. Ms. Stevenson states that given the Charter requirements for the Children's Baseline, the Police minimum staffing requirement, and other required baseline appropriations, the City's discretionary General Fund spending is approximately \$1,200,000,000. The proposed Charter Amendment would reduce discretionary spending by approximately \$332,143,578 or by 27.7 percent. The Budget Analyst notes that a reduction in discretionary spending restricts the Board of Supervisors expenditure options and authority.

Recommendation: Approval of the proposed Charter Amendment is a policy matter for the Board of Supervisors.

BOARD OF SUPERVISORS
BUDGET ANALYST



CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER

Ed Harrington
Controller
Monique Zmuda
Deputy Controller

October 24, 2003

Ms. Gloria Young
Board of Supervisors
City Hall, Room 244
San Francisco, CA 94102-4689

RE: File Number 031567

Charter amendment to establish a baseline funding level for the Department of Public Health, establish goals and require maintenance of health and homeless programs

Dear Ms. Young:

Should the proposed Charter amendment be approved by the voters, in my opinion, the general fund budget for the Department of Public Health and for homeless services and programs would need to be increased, in the first year, over what the City budgets currently by a minimum amount of approximately \$50 million.

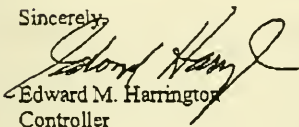
The base budget for the functions covered under the amendment would grow in future years. The amount would be adjusted annually by the percentage change in the City's discretionary revenues each year, and any new programs funded in the annual budget process would be added to the base. There would also likely be increases due to the cost of certain programs required under the amendment. A requirement that the City shorten to 30 days the time that patients are on waiting lists for substance abuse and mental health treatment would increase costs by an unknown amount between now and 2008. To the extent that funds are shifted both now and in the future to meet the base budget requirement, other City spending would have to be reduced or new revenues identified.

The amendment requires the City to set-aside a base amount for the Department of Public Health and for homeless services and programs equal to the highest amount appropriated for these functions from fiscal year 2000-2001 to the present. Beginning in FY 2004-2005, that amount would be approximately \$332 million, compared to the \$283 million budgeted currently. Approximately \$306 million of the estimated base amount is attributable to the Health Department, and \$26 million to general fund-supported homeless programs outside of the Health Department. The \$332 million estimated base amount is a minimum—funds for City services which support the Health Department would also be part of the required set-aside.

The amendment requires that certain health programs and facilities must be ongoing including the operation of San Francisco General and Laguna Honda Hospitals. The amendment also sets broad goals for the Health Department including paying non-profit service providers wages comparable to those of City employees and providing universal health care to San Francisco residents. These programs are likely to increase the cost of health services significantly over time.

The proposed amendment would allow the Health Commission to propose the Department's budget which would have to be submitted without change by the Mayor to the Board of Supervisors.

Sincerely,


Edward M. Harrington
Controller

Note: This analysis reflects our understanding of the proposal as of the date shown. At times further information is provided to us which may result in revisions being made to this analysis before the final Controller's statement appears in the Voter Information Pamphlet.

Item 4 - File 03-1560

**Proposed Charter
Amendment:**

Charter Amendment amending Section 4.130 to provide for the appointment of a City Engineer responsible for the design and construction management of all public buildings and public works.

Draft:

First

Description:

Currently, under Section 2A.190(c) of the City's Administrative Code, the City Engineer, an employee of the Department of Public Works (DPW), is appointed by the Director of the DPW. According to Ms. Tina Olson of the DPW, the City Engineer is responsible for a) approving the official City map, b) overseeing engineering, architectural, and construction management, and c) overseeing street and sidewalk regulatory activities. Currently, the design and construction management of the City's public buildings and public works projects is under the direction and supervision of various City departments, boards, and commissions including the Airport Commission, Port Commission, Public Utilities Commission, Recreation and Park Commission, Municipal Transportation Authority Board, and the DPW. It is the responsibility of these City departments, boards and commissions to seek the approval of the Civil Service Commission to contract out design services, and to provide oversight to contracts approved by the Civil Service Commission.

The proposed Charter Amendment would amend Section 4.130 by adding a new process for selecting the City Engineer. Instead of the City Engineer being approved by the Director of the DPW as required under Section 2A.190(c) of the Administrative Code, the proposed amendment would provide for the appointment of a City Engineer by the Mayor. The City Engineer, under the proposed amendment, would supervise and direct the design and construction of all City public works projects. In addition, the City Engineer would serve a term of five years and be subject to removal by the Mayor. According to Mr. Tom Owens of the City Attorney's Office, removal of the City Engineer would not be subject to Board of Supervisors approval. Under the proposed Charter Amendment, the appointed City Engineer

BOARD OF SUPERVISORS
BUDGET ANALYST

must be a Registered Civil Engineer and must have at least five years of professional work experience of which at least three are at the City and/or County level. According to Mr. John Malamut of the City Attorney's Office, except for the existing requirement that the City Engineer must be a Registered Civil Engineer, there are currently no other State or local requirements for the position.

In addition to other duties imposed by local and/or State law, under the proposed Charter Amendment, the City Engineer would be responsible for the following:

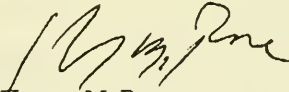
- the design and construction management of all City public building and public works projects;
- the coordination and assignment of City employees whose duties include design and construction management services related to City public building and public works projects;
- the initial determination of whether to seek Civil Service Commission approval for design and construction services related to City public building and public works projects for the procurement of personal services contracts;
- the execution and administration of all personal services contracts approved by the Civil Service Commission for design and construction services related to City public buildings and public works projects.

Comment:

As of the writing of this report, the Controller's Office had not completed the Controller's fiscal impact analysis for the proposed Charter Amendment. Ms. Peg Stevenson of the Controller's Office advises that the Controller will provide the Rules Committee with their analysis by the November 3, 2003 meeting.

Memo to Special Rules Committee
November 3, 2003 Special Rules Committee Meeting

Recommendation: Approval of the proposed Charter Amendment is a policy matter for the Board of Supervisors.


Harvey M. Rose

cc: Supervisor Hall
Supervisor Dufty
President Gonzalez
Clerk of the Board
Controller
Ben Rosenfield
Ted Lakey



City and County of San Francisco

Government Documents Section
Main Library (2 copies)

Meeting Minutes

Rules Committee

Members: Tony Hall, Bevan Dufty and Matt Gonzalez

Clerk: Deborah Muccino

Monday, November 03, 2003

9:30 AM

City Hall, Room 263

Special Meeting

Members Present: Tony Hall, Bevan Dufty, Matt Gonzalez.

DOCUMENTS DEPT.

NOV - 5 2003

SAN FRANCISCO
PUBLIC LIBRARY

MEETING CONVENED.

The meeting convened at 9:44 a.m.

REGULAR AGENDA

031574 [Charter Amendment - Board of Supervisors to respond to all orders or requests for the production of City records under designated state and federal laws]

Supervisors McGoldrick, Peskin

Charter amendment (Second Draft) to add Section 16.124 to authorize the Board of Supervisors to respond on behalf of the City to all orders or requests for the production of information, records, or other tangible things held by the City, the disclosure of which could violate the rights of any individuals under the State or Federal Constitutions, where the orders or requests are made under laws previously identified by the Board.

9/16/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/16/2003.

10/20/03, CONTINUED. Heard in committee. Speakers: Jerry Threet, Aide to Supervisor McGoldrick; Tom Owen, Deputy City Attorney; Ted Lakey, Deputy City Attorney.

Continued to the meeting on October 27, 2003.

10/27/03, AMENDED. AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speakers: Supervisor Jake McGoldrick; Tom Owen, Deputy City Attorney, City Attorney's Office.

Amendment of the Whole Bearing Same Title.

Continued to the November 3, 2003 Meeting.

10/27/03, CONTINUED.

Heard in Committee. Speakers: Supervisor Jake McGoldrick; Susan Hildreth, City Librarian, San Francisco Public Library.

To Board as a Committee Report Tuesday, November 4, 2003.

REFERRED WITHOUT RECOMMENDATION by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 1 - Gonzalez

031543 [Charter Amendment-Tolling Board deadlines during recess, reducing votes required when Board members are disqualified, limiting hold-over appointments, setting deadlines for police and fire negotiations, and re-naming the Commission on Aging.]

Supervisor Gonzalez

Charter Amendment (Third Draft) to amend the Charter of the City and County of San Francisco by amending Sections 2.103, 2.104, and Article XVII, by adding Section 4.101-1, by amending Section A8.590-5, and by amending Section 4.120, to toll deadlines for action by the Board when the Board is in recess, to reduce the number of votes required at the Board of Supervisors for various actions when one or more Board members are disqualified from voting on a matter because of a conflict of interest, to limit hold-over appointments to 60 days, to set deadlines for completing contract negotiations with police and fire employees, and to re-name the Commission on Aging as "the Commission on Aging and Adult Services."

9/15/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/16/2003.

10/20/03, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in committee. Speakers: John Hanley; Joe Moriarty; Chris Cunnie.

10/20/03 Amendment of the whole bearing new title.

Continued to meeting on October 27, 2003.

10/20/03, CONTINUED.

10/27/03, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Joe Moriarty, Local 798; Tom O'Connor, Firefighter and Local 798; Tom Owen, Deputy City Attorney, City Attorney's Office; Ken Bruce, Budget Analyst's Office; Margaret Brodtkin, Coleman Advocates for Youth.

File No. 031569 combined with File 031543.

Amendment of the Whole Bearing New Title.

Continued to the November 3, 2003 Meeting.

10/27/03, CONTINUED.

Heard in Committee. Speakers: John Hanley, President, San Francisco Firefighter's Union Local 798; Alice Villagomez, Employee Relations Division, Department of Human Resources; Joe Moriarty, Vice-President, Local 798; Ed Harrington, Controller, Controller's Office; Male Speaker.

To Board as a Committee Report Tuesday, November 4, 2003.

RECOMMENDED "DO SUBMIT" by the following vote:

Ayes: 2 - Hall, Gonzalez

Noes: 1 - Duffy

**031567 [Charter Amendment - San Francisco Department of Public Health]
Supervisors Daly, Gonzalez**

Charter Amendment (Second Draft) to repeal Section 4.110, regarding the Health Commission, and adding a new Article VIII C, to increase the autonomy and fiscal authority of the Health Commission and change the qualifications of Health Commissioners, establish a stable baseline funding level for the Department of Public Health, ensure the continued operation of County hospitals, community-based public health clinics, and chronic disease and injury prevention and health promotion programs, designate universal healthcare as one of the Department's top advocacy priorities, ensure continued planning, coordination and oversight of the San Francisco Emergency Medical Services/Trauma System, guarantee culturally competent care through community-based primary care clinics, maintain operation of the Mental Health Rehabilitation Facility, and establish as a goal, pay equity for nonprofit and City workers performing similar jobs for the Department of Public Health.

9/16/03, RECEIVED AND ASSIGNED to Rules Committee.

9/23/03, SUBSTITUTED to Board of Supervisors. Supervisor Daly submitted a substitute Charter amendment bearing new title.

9/23/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/23/2003.

10/27/03, AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Bill Barnes, Legislative Aide to Supervisor Daly; Jeff Sheehy, Dick Hodson, San Francisco Community Clinic Consortium; Carol Stewart, Diana Parker, Legislative Aide to Supervisor Duffy; Female Speaker, Representative from Committee on Jobs; Dr. Mitchell Katz, Director, Department of Public Health.

Amendment of the Whole Bearing New Title.

Continued to the November 3, 2003 Meeting.

10/27/03, CONTINUED.

Heard in Committee. Speakers: Supervisor Chris Daly; Ed Harrington, Controller, Controller's Office; Ed Kinchley, SEIU Local 790; Dick Hodson, San Francisco Community Clinic Consortium; Robert Holme, SEIU Local 790; Brad Benson, Legislative Aide to Supervisor Ammiano; Tom Owen, Deputy City Attorney, City Attorney's Office.

To Board as a Committee Report Tuesday, November 4, 2003.

REFERRED WITHOUT RECOMMENDATION by the following vote:

Ayes: 2 - Duffy, Gonzalez

Noes: 1 - Hall

**031560 [Charter Amendment - Appointment of a City Engineer responsible for the design and construction management of all public buildings and public works]
Supervisor Ammiano**

Charter amendment (First Draft) to amend Section 4.130 to provide for appointment of a City Engineer responsible for the design and construction management of all public buildings and public works.

9/16/03, RECEIVED AND ASSIGNED to Rules Committee.

9/23/03, SUBSTITUTED. Supervisor Ammiano submitted a substitute Charter amendment bearing new title.

9/23/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 10/23/2003.

Heard in Committee. Speakers: Brad Benson, Legislative Aide to Supervisor Ammiano; Representative from San Francisco International Airport; Lisa Feldstein, IFPTE Local 21; Male Speaker, Attorney for IFPTE Local 21; Pius Lee, IFPTE Local 21; Robert Beck, Director of Engineering, Department of Public Works; Chris Romero, IFPTE Local 21; Joe Speaks, Municipal Transportation Agency (MTA); Diane Hammons, Department of Parking and Traffic; Alex Lee, Director of Facilities, Port of San Francisco; Richard Robinson. To Board as a Committee Report Tuesday, November 4, 2003.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 3 - Hall, Duffy, Gonzalez

LITIGATION

Conference with City Attorney

[Convene in Closed Session - Existing Litigation - City as Plaintiff and/or Defendant]

Motion that the Rules Committee of the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following existing lawsuits and claims in which proposed settlements are being considered by the Committee. Government Code 54956.9(a) and San Francisco Administrative Code Section 67.10(d) permit this closed session.

Discussion in open session concerning these matters would likely and unavoidably prejudice the position of the City in the pending lawsuits and/or claims listed below.

Unanimous vote to convene in closed session by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 1 - Gonzalez

031690 [Settlement Of Lawsuit]

Ordinance authorizing settlement of the lawsuit filed by Restore Hetch Hetchy against the City and County of San Francisco for \$1,700.00; the lawsuit was filed on July 24, 2003 in San Francisco Superior Court, Case No. 503-306; entitled Restore Hetch Hetchy v. San Francisco Board of Supervisors et al.; other material terms of said settlement are that the City and County of San Francisco and San Francisco Public Utilities Commission agree to remain neutral on Petitioner's efforts to seek funding for preparation of a study assessing the feasibility of restoring the Hetch Hetchy Valley. The San Francisco Public Utilities Commission reserves the right to comment on any restrictions, requirements or regulations that would be imposed on the Department by a funding source as a prerequisite to the appropriation of those funds. (City Attorney)

10/10/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in Committee. Speakers: Cheryl Adams, Deputy City Attorney, City Attorney's Office; Josh Milstein, Deputy City Attorney, City Attorney's Office.

To Board as a Committee Report Tuesday, November 4, 2003.

RECOMMENDED by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Dufty

031697 [Settlement of Lawsuit]

Ordinance authorizing settlement of the lawsuit filed by Lynn Andrews against the City and County of San Francisco for \$75,000; the lawsuit was filed on July 18, 2002 in San Francisco Superior Court, Case No. 410-430; entitled Lynn Andrews v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

10/9/03, RECEIVED AND ASSIGNED to Rules Committee.

To Board as a Committee Report Tuesday, November 4, 2003.

RECOMMENDED by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Dufty

Report on Closed Session.

Deputy City Attorney Ted Lakey reported that the Rules Committee has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) and Administrative Code Section 67.8 (3), for the purpose of conferring with, or receiving advice from, the City Attorney regarding settlements in the lawsuits or claims listed above.

[Elect Not to Disclose]

Motion that the Committee finds that it is in the best interest of the public that the Committee elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.

Unanimous vote not to disclose discussion to the public by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Duffy

ADJOURNMENT

The meeting adjourned at 12:40 p.m.

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

NOTICE OF CANCELLED MEETING

RULES COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

NOTICE IS HEREBY GIVEN that the meeting of the Rules Committee scheduled for Wednesday, November 5, 2003 at 9:30 a.m., at 1 Dr. Carlton B. Goodlett Place, Room 263, City Hall, San Francisco, California, has been **cancelled**.

Gloria L. Young, Clerk of the Board

DOCUMENTS DEPT

OCT 31 2003

SAN FRANCISCO
PUBLIC LIBRARY

10-31-03A10:51 RCVD

City and County of San Francisco
Meeting Minutes
Rules Committee

City Hall
1 Dr. Carlton B.
Goodlett Place
San Francisco, CA
94102-4689

by: Tony Hall, Bevan Dufty and Matt Gonzalez

Clerk: Deborah Muccino

Wednesday, November 12, 2003

9:30 AM

City Hall, Room 263

Special Meeting

Members Present: Tony Hall, Matt Gonzalez.

Members Absent: Bevan Dufty.

MEETING CONVENED.

The meeting convened at 9:54 a.m.

DOCUMENTS DEPT.

NOV 17 2003

SAN FRANCISCO
PUBLIC LIBRARY

CONSENT AGENDA

All matters listed hereunder constitute a Consent Agenda, are considered to be routine and will be acted upon by a single roll call vote of the Committee. There will be no separate discussion of these items unless a member of the Committee or the public so requests, in which event the matter shall be removed from the Consent Agenda and considered as a separate item.

031704 [Dissolving the Advisory Committee to Fulfill the Charter Reform Mandate]

Supervisor Hall

Resolution repealing Resolution No. 283-94, to dissolve the "Advisory Committee to Fulfill the Charter Reform Mandate."

10/7/03, RECEIVED AND ASSIGNED to Rules Committee.

Speakers: None.

RECOMMENDED..

031705 [Dissolving the Citizens Committee for Public Participation In Waste Water Project Evaluation]

Supervisor Hall

Resolution repealing Resolution No. 19-73, to dissolve the "Citizens Committee for Public Participation In Waste Water Project Evaluation."

10/7/03, RECEIVED AND ASSIGNED to Rules Committee.

Speakers: None.

RECOMMENDED..

031706 [Dissolving the National Service Blue Ribbon Commission]**Supervisor Hall**

Resolution repealing Resolutions Nos. 300-93 and 894-93, to dissolve the "National Service Blue Ribbon Commission."

10/7/03, RECEIVED AND ASSIGNED to Rules Committee.

Speakers: None.

RECOMMENDED..

031707 [Dissolving the Ballpark/Arena Advisory Committee]**Supervisor Hall**

Resolution repealing Resolution No. 1012-93, to dissolve the "Ballpark/Arena Advisory Committee."

10/7/03, RECEIVED AND ASSIGNED to Rules Committee.

Speakers: None.

RECOMMENDED..

031708 [Citizens Advisory Committee on Elections]**Supervisor Hall**

Ordinance amending the San Francisco Municipal Elections Code, by repealing Sections 700 through 760, regarding the Citizens Advisory Committee on Elections.

10/7/03, RECEIVED AND ASSIGNED to Rules Committee.

Speakers: None.

RECOMMENDED..

031709 [Dissolving the Advisory Committee on Adult Detention]**Supervisor Hall**

Ordinance amending the San Francisco Administrative Code, by repealing Sections 13.70 through 13.75, regarding the Advisory Committee on Adult Detention.

10/7/03, RECEIVED AND ASSIGNED to Rules Committee.

Speakers: None.

RECOMMENDED..

The foregoing items were acted upon by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Dufty

REGULAR AGENDA

031763 [Appointment, Public Utilities Commission]

Motion approving the Acting Mayor's appointment of Robin Chiang to the Public Utilities Commission, for the term expiring January 15, 2004. (Mayor)

10/22/03, RECEIVED AND ASSIGNED to Rules Committee. Notification to appear at Rules Committee meeting mailed on November 5, 2003.

11/10/03 - Received communication from City Attorney regarding appointment.

Heard in Committee. Speakers: Honorable Mayor Willie Brown; Dennis Herrera, City Attorney, City Attorney's Office.

TABLED by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Dufty

031764 [Appointment, Public Utilities Commission]

Motion rejecting the Acting Mayor's appointment of Robin Chiang to the Public Utilities Commission. (Mayor)

10/22/03, RECEIVED AND ASSIGNED to Rules Committee. Notification to appear at Rules Committee meeting mailed on November 5, 2003.

11/10/03 - Received communication from City Attorney regarding appointment.

Heard in Committee. Speakers: Honorable Mayor Willie Brown; Dennis Herrera, City Attorney, City Attorney's Office.

TABLED by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Dufty

031765 [Appointment, Public Utilities Commission]

Motion taking no position concerning the Acting Mayor's appointment of Robin Chiang to the Public Utilities Commission, for term ending January 15, 2004. (Mayor)

10/22/03, RECEIVED AND ASSIGNED to Rules Committee. Notification to appear at Rules Committee meeting mailed on November 5, 2003.

11/10/03 - Received communication from City Attorney regarding appointment.

Heard in Committee. Speakers: Honorable Mayor Willie Brown; Dennis Herrera, City Attorney, City Attorney's Office..

TABLED by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Dufty

031766 [Appointment, Public Utilities Commission]

Motion approving the Acting Mayor's appointment of Adam Werbach to the Public Utilities Commission, for the term expiring January 15, 2007. (Mayor)

10/22/03, RECEIVED AND ASSIGNED to Rules Committee. Notification to appear at Rules Committee meeting mailed on November 5, 2003.

11/10/03 - Received communication from City Attorney regarding appointment.

Heard in Committee. Speakers: Honorable Mayor Willie Brown; Dennis Herrera, City Attorney, City Attorney's Office; Adam Werbach; Buck Delventhal, Chief, Governmental Law Division, City Attorney's Office; Sharky Laguana, Bandago; John Jenkel; Male Speaker; John Rizzo, Vice-Chair, Sierra Club; Cynthia Servetnich, AICP; David Pilpel, Sierra Club; Brian O'Flynn; Eric Allen; Dick Allen, Golden Gate Neighborhood Association; Jessica Tully; Bill Klingelhoffer.

Supervisor Hall indicated for the record to reflect his opposition to the appointment, but to forward to the full Board without recommendation. Supervisor Gonzalez indicated his support of the appointment, but agreed to send to the full Board without recommendation.

To Board as a Committee Report Tuesday, November 18, 2003.

REFERRED WITHOUT RECOMMENDATION by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Duffy

MEETING RECESSED.

The meeting recessed at 11:15 a.m.

MEETING RECONVENED.

The meeting reconvened at 11:26 a.m.

031767 [Appointment, Public Utilities Commission]

Motion rejecting the Acting Mayor's appointment of Adam Werbach to the Public Utilities Commission. (Mayor)

10/22/03, RECEIVED AND ASSIGNED to Rules Committee. Notification to appear at Rules Committee meeting mailed on November 5, 2003.

11/10/03 - Received communication from City Attorney regarding appointment.

Heard in Committee. Speakers: Honorable Mayor Willie Brown; Dennis Herrera, City Attorney, City Attorney's Office; Adam Werbach; Buck Delventhal, Chief, Governmental Law Division, City Attorney's Office; Sharky Laguana, Bandago; John Jenkel; Male Speaker; John Rizzo, Vice-Chair, Sierra Club; Cynthia Servetnich, AICP; David Pilpel, Sierra Club; Brian O'Flynn; Eric Allen; Dick Allen, Golden Gate Neighborhood Association; Jessica Tully; Bill Klingelhoffer.

Supervisor Hall indicated for the record to reflect his opposition to the appointment, but to forward to the full Board without recommendation. Supervisor Gonzalez indicated his support of the appointment, but agreed to send to the full Board without recommendation.

To Board as a Committee Report Tuesday, November 18, 2003.

REFERRED WITHOUT RECOMMENDATION by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Duffy

031768 [Appointment, Public Utilities Commission]

Motion taking no position concerning the Acting Mayor's appointment of Adam Werbach to the Public Utilities Commission, for term ending January 15, 2007. (Mayor)

10/22/03, RECEIVED AND ASSIGNED to Rules Committee. Notification to appear at Rules Committee meeting mailed on November 5, 2003.

11/10/03 - Received communication from City Attorney regarding appointment.

Heard in Committee. Speakers: Honorable Mayor Willie Brown; Dennis Herrera, City Attorney, City Attorney's Office; Adam Werbach; Buck Delventhal, Chief, Governmental Law Division, City Attorney's Office; Sharky Laguana, Bandago; John Jenkel; Male Speaker; John Rizzo, Vice-Chair, Sierra Club; Cynthia Servetnich, AICP; David Pilpel, Sierra Club; Brian O'Flynn; Eric Allen; Dick Allen, Golden Gate Neighborhood Association; Jessica Tully; Bill Klingelhoffer.

Supervisor Hall indicated for the record to reflect his opposition to the appointment, but to forward to the full Board without recommendation. Supervisor Gonzalez indicated his support of the appointment, but agreed to send to the full Board without recommendation.

To Board as a Committee Report Tuesday, November 18, 2003.

REFERRED WITHOUT RECOMMENDATION by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Duffy

LITIGATION

Conference with City Attorney

[Convene in Closed Session - Existing Litigation - City as Plaintiff and/or Defendant]

Motion that the Rules Committee of the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following existing lawsuits and claims in which proposed settlements are being considered by the Committee. Government Code 54956.9(a) and San Francisco Administrative Code Section 67.10(d) permit this closed session.

Discussion in open session concerning these matters would likely and unavoidably prejudice the position of the City in the pending lawsuits and/or claims listed below.

Unanimous vote to convene in closed session by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Duffy

031662 [Settlement of Claim]

Resolution approving the settlement of the unlitigated claim filed by Fireman's Fund Insurance Company and Richard Dennes against the City and County of San Francisco.

(Public Benefit Recipient.)

10/3/03, RECEIVED AND ASSIGNED to Rules Committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Duffy

Report on Closed Session.

Deputy City Attorney Cheryl Adams reported that the Rules Committee has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) and Administrative Code Section 67.8 (3), for the purpose of conferring with, or receiving advice from, the City Attorney regarding settlements in the lawsuits or claims listed above.

[Elect Not to Disclose]

Motion that the Committee finds that it is in the best interest of the public that the Committee elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.

Unanimous vote not to disclose discussion to the public by the following vote:

Ayes: 2 - Hall, Gonzalez

Absent: 1 - Dufty

ADJOURNMENT

The meeting adjourned at 12:28 p.m.



Meeting Minutes

Rules Committee

Members: Tony Hall, Bevan Dufty and Matt Gonzalez

Clerk: Deborah Muccino

Wednesday, November 19, 2003

9:30 AM

City Hall, Room 263

Regular Meeting

Members Present: Tony Hall, Bevan Dufty, Matt Gonzalez.

MEETING CONVENED.

The meeting convened at 9:44 a.m.

DOCUMENTS DEPT.

NOV 21 2003

REGULAR AGENDA

SAN FRANCISCO
PUBLIC LIBRARY

031869 [Appointment, Bicycle Advisory Committee 2002]

Hearing to consider appointing Lindsay Swain to the Bicycle Advisory Committee 2002.

1 Seat Being Considered

Vacant seat, succeeding Michael Rauner, resigned, seat 5, must be a nominee of District 5 Supervisor; for the unexpired portion of a two-year term ending November 19, 2004.

11/13/03, RECEIVED AND ASSIGNED to Rules Committee. 1 Seat/1 Applicant

Lindsay Swain, Seat 5.

11/13/03: Applicant notification of meeting letter mailed.

Applicant sent a withdrawal of application letter received on November 17, 2003.

FILED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

031723 [Appointment, Public Utilities Commission]

Motion approving the Mayor's appointment of Andrew Lee to the Public Utilities Commission, for the term ending January 15, 2004. (Mayor)

Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed.

Transmittal date – October 16, 2003.

10/21/03, RECEIVED AND ASSIGNED to Rules Committee. 10/29/03 - Received communication from Mayor Willie L. Brown, Jr. withdrawing his nomination of Andrew Lee to the Public Utilities Commission.

10/30/03, FILED.

11/10/03, REACTIVATED PURSUANT TO CITY ATTORNEY INSTRUCTIONS. 11/13/03: Notification of meeting letter mailed to applicant.

Heard in Committee. Speaker: Male Speaker.

Resignation letter from applicant received 11/19/03.

TABLED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

031724 [Appointment, Public Utilities Commission]

Motion rejecting the Mayor's appointment of Andrew Lee to the Public Utilities Commission.

10/21/03, RECEIVED AND ASSIGNED to Rules Committee. 10/29/03 - Received communication from Mayor Willie L. Brown, Jr. withdrawing his nomination of appointment of Andrew Lee to the Public Utilities Commission.

10/30/03, FILED.

11/10/03, REACTIVATED PURSUANT TO CITY ATTORNEY INSTRUCTIONS. 11/13/03: Notification of meeting letter mailed to applicant.

Heard in Committee. Speaker: Male Speaker.

Resignation letter from applicant received 11/19/03.

TABLED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

031725 [Appointment, Public Utilities Commission]

Motion taking no position concerning the Mayor's appointment of Andrew Lee to the Public Utilities Commission, for term ending January 15, 2004.

10/21/03, RECEIVED AND ASSIGNED to Rules Committee. 10/29/03 - Received communication from Mayor Willie L. Brown, Jr. withdrawing his nomination of appointment of Andrew Lee to the Public Utilities Commission.

10/30/03, FILED.

11/10/03, REACTIVATED PURSUANT TO CITY ATTORNEY INSTRUCTIONS. 11/13/03: Notification of meeting letter mailed to applicant.

Heard in Committee. Speaker: Male Speaker.

Resignation letter from applicant received 11/19/03.

TABLED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

ADJOURNMENT

The meeting adjourned at 9:46 a.m.

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

NOTICE OF CANCELLED MEETING

RULES COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

DOCUMENTS DEPT.

NOV 19 2003

SAN FRANCISCO
PUBLIC LIBRARY

11-19-03A10:57 RCVD

NOTICE IS HEREBY GIVEN that the meeting of the Rules Committee scheduled for
Wednesday, November 26, 2003 at 9:30 a.m., at 1 Dr. Carlton B. Goodlett Place, Room
263, City Hall, San Francisco, California, has been **cancelled**.

Gloria L. Young, Clerk of the Board



City and County of San Francisco

Meeting Minutes

Rules Committee

Members: Tony Hall, Bevan Dufty and Matt Gonzalez;

Clerk: Deborah Muccino

City Hall
1 Dr. Carlton B
Goodlett Place
San Francisco, CA
94102-4689

Wednesday, December 03, 2003

9:30 AM

City Hall, Room 263

Special Meeting

Members Present: Tony Hall, Bevan Dufty, Matt Gonzalez.

MEETING CONVENED

DOCUMENTS DEPT.

DEC 16 2003

SAN FRANCISCO
PUBLIC LIBRARY

The meeting convened at 9:49 a.m.

031921 [Appointment Bicycle Advisory Committee 2002]

Hearing to consider appointing one member to the Bicycle Advisory Committee 2002.

1 Seat Being Considered.

Vacant Seat, succeeding Michael Rauner, resigned, seat 5, must be a nominee of District 5 Supervisor; for the unexpired portion of a two-year term ending November 19, 2004.

11/21/03, RECEIVED AND ASSIGNED to Rules Committee 1 Seat/1 Applicant

Bridget May, Seat 5.

Notice to Applicant to Appear letter mailed on November 25, 2003.

Heard in committee. Speakers: None.

Appointment of Bridget May, seat 5, recommended.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Bridget May, term ending November 19, 2004 to the Bicycle Advisory Committee 2002.

Bridget May, succeeding Michael Rauner, resigned, seat 5, must be a nominee of District 5 Supervisor; for the unexpired portion of a two-year term ending November 19, 2004.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

031961 [Appointments to the Childhood Nutrition & Physical Activity Task Force]

Hearing to consider appointment of sixteen members to the Childhood Nutrition & Physical Activity Task Force.

16 Seats Being Considered

Vacant Seat, new position, seat 1, must be a member of the Small Business Commission, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

Vacant Seat, new position, seat 2, must be a member from the Hotel and Restaurant Workers Union, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

Vacant Seat, new position, seat 3, must be a member of the San Francisco Youth commission, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

Vacant Seat, new position, seat 4, must be a person between the ages of 12 and 23, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

Vacant Seat, new position, seat 5, must be a parent or guardian, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

Vacant Seat, new position, seat 6, must be a child advocate, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

Vacant Seat, new position, seat 7, must be a member of the San Francisco Unified School district Student Advisory Council, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

Vacant Seat, new position, seat 8, must be a member of a civil rights organization addressing weight size discrimination, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

Vacant Seat, new position, seat 9, must be a member of an organization helping all children regardless of physical, medical, or psychiatric disabilities obtain access to medical care and information, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

Vacant Seat, new position, seat 10, must be a pediatrician, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

Vacant Seat, new position, seat 11, must be a child psychologist with expertise in eating disorders, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

Vacant Seat, new position, seat 12, must belong to a research organization with expertise in childhood nutrition and physical fitness, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

Vacant Seat, new position, seat 13, must be a public policy professional with an expertise in health and legislation, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

Vacant Seat, new position, seat 14, must belong to a foundation or philanthropic organization with an interest in physical activity and healthy eating, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

Vacant Seat, new position, seat 15, must be a member from an association of regional farmers and food producers involved in sustainable agriculture, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

Vacant Seat, new position, seat 16, must be a member from an organization that implements size-neutral youth physical activity programs, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

11/24/03, RECEIVED AND ASSIGNED to Rules Committee. 16 Seats/15 Applicants

Dena Bushman, Seat 4

Kristine Madsen, M.D., (residency waiver required), Seat 5

Dena Bushman, Kristine Madsen, M.D. (residency waiver required), Lynn Ann Maysenhalder, Sophia Yen, M.D., Seat 6

Ibukun Hambolu, Seat 7

Esther D. Rothblum, Ph.D., Seat 8

Dena Bushman, Lynn Gavin, Sophia Yen, M.D., Seat 9

Albert Derek Chan, M.D., Melvin B. Heyman, M.D., Kristine Madsen, M.D. (residency waiver required), Tracy DeAmicis McMahan, M.D., Sophia Yen, M.D., Seat 10

Esther D. Rothblum, Ph.D., Seat 11

Andrea Garber, Ph.D. R.D., Esther D. Rothblum, Ph.D., Melvin B. Heyman, M.D., Kristine Madsen, M.D. (residency waiver required),

Sophia Yen, M.D., Seat 12

Melvin B. Heyman, M.D., Seat 13

Elena Andrea Escalera, Ph.D. (residency waiver required), Manuel Jiminez, Jennifer Portnick, Marilyn Wann, seat undeclared

Notice to Applicants to Appear at Rules Meeting mailed on November 25, 2003.

Heard in committee. Speakers: Supervisor Maxwell; Dena Bushman; Kristine Madsen; Ibukun Hambolu; Esther Rothblum; Lynn Gavin; Albert Chan; Melvin Heyman; Tracy DeAmicis McMahan; Andrea Garber; Elena Andrea Escalera; Manual Jiminez; Jennifer Portnick; Marilyn Wann.

Appointment of Dena Bushman seat 4, Manual Jiminez seat 5, Sophia Yen seat 6, Ibukun Hambolu seat 7, Esther Rothblum seat 8, Lynn Gavin seat 9, Tracy DeAmicis McMahan seat 10, Elena Andrea Escalera seat 11, Andrea Garber seat 12, Melvin Heyman seat 13, and Jennifer Portnick seat 16, approved. Seats 1, 2, 3, 14 and 15 unfilled.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing Dena Bushman, Manual Jiminez, Sophia Yen, Ibukun Hambolu, Esther Rothblum, Lynn Gavin, Tracy DeAmicis McMahan Elena Andrea Escalera Andrea Garber, Melvin Heyman and Jennifer Portnick, term ending date to be determined, to the Childhood Nutrition & Physical Activity Task Force. Residency requirement waived.

Dena Bushman, new position, seat 4, must be a person between the ages of 12 and 23, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

Manual Jiminez, new position, seat 5, must be a parent or guardian, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

Sophia Yen, new position, seat 6, must be a child advocate, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

Ibukun Hambolu, new position, seat 7, must be a member of the San Francisco Unified School district Student Advisory Council, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

Esther Rothblum, new position, seat 8, must be a member of a civil rights organization addressing weight size discrimination, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

Lynn Gavin, new position, seat 9, must be a member of an organization helping all children regardless of physical, medical, or psychiatric disabilities obtain access to medical care and information, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

Tracy DeAmicis McMahan, new position, seat 10, must be a pediatrician, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

Elena Andrea Escalera, (residency requirement waived) new position, seat 11, must be a child psychologist with expertise in eating disorders, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

Andrea Garber, new position, seat 12, must belong to a research organization with expertise in childhood nutrition and physical fitness, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

Melvin Heyman, new position, seat 13, must be a public policy professional with an expertise in health and legislation, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

Jennifer Portnick, new position, seat 16, must be a member from an organization that implements size-neutral youth physical activity programs, for a new one year term ending one year from the date that a quorum of the voting membership of the Task Force becomes effective.

RECOMMENDED.. by the following vote:

Ayes: 3 - Hall, Duffy, Gonzalez

Conference with City Attorney

[Convene in Closed Session - Existing Litigation - City as Plaintiff and/or Defendant]

Motion that the Rules Committee of the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following existing lawsuits and claims in which proposed settlements are being considered by the Committee. Government Code 54956.9(a) and San Francisco Administrative Code Section 67.10(d) permit this closed session.

Discussion in open session concerning these matters would likely and unavoidably prejudice the position of the City in the pending lawsuits and/or claims listed below.

Unanimous vote to convene in closed session by the following vote:

Ayes: 3 - Hall, Duffy, Gonzalez

031790 [Settlement of Lawsuit - Mamei Wei]

Ordinance authorizing settlement of the lawsuit filed by Mamei Wei against the City and County of San Francisco and Ray Contreras for \$250,000; the lawsuit was filed on December 20, 2002 in U.S. District Court for the Northern District of California, Case No. C02-5887 TEH entitled Mamei Wei v. City and County of San Francisco and Ray Contreras. (City Attorney)

(Public Benefit Recipient.)

10/27/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Cheryl Adams, Deputy City Attorney.

RECOMMENDED.. by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 1 - Gonzalez

031728 [Settlement of Claim - Zurich North America]

Resolution approving the settlement of the unlitigated claim filed by Zurich North America against the City and County of San Francisco for \$120,000.00; the claim was filed on April 8, 2003; Claim No. 03-03317

(Public Benefit Recipient.)

10/27/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Cheryl Adams, Deputy City Attorney.

RECOMMENDED.. by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 1 - Gonzalez

**031885 [Settlement of Claim]
Supervisor Hall**

Resolution approving the settlement of the unlitigated claim of Louise Renne, Patrick Devlin, June Lilienthal, Virginia Leishman, Charles Meyers, Alene Meyers, Charles Levinson, and Robert Neal against San Francisco, relating to the use of tobacco settlement revenues by the Department of Public Health; material terms of said settlement are contained in the Settlement Agreement on file with the Clerk of the Board of Supervisors.

11/18/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Patrick Monette Shaw; Cheryl Adams, Deputy City Attorney; Michael Cohen, Deputy City Attorney.

12/3/03 Amendment of the whole bearing new title.

Referred to the Board meeting on December 9th for a closed session.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

Resolution approving the settlement of the unlitigated claim of Louise Renne, Patrick Devlin, June Lilienthal, Virginia Leishman, Charles Meyers, Alene Meyers, Charles Levinson, and Robert Neal against San Francisco, relating to the use of tobacco settlement revenues by the Department of Public Health; material terms of said settlement are contained in the amended Settlement Agreement on file with the Clerk of the Board of Supervisors.

RECOMMENDED AS AMENDED by the following vote:

Ayes: 3 - Hall, Dufty, Gonzalez

031799 [Settlement of Lawsuit - Curtis McGlothin]

Ordinance authorizing settlement of the lawsuit filed by Curtis McGlothin against the City and County of San Francisco for \$165,000; the lawsuit was filed on August 7, 2002 in San Francisco Superior Court, Case No. 411-241; entitled Curtis McGlothin, et al., v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

11/3/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Cheryl Adams, Deputy City Attorney.

RECOMMENDED.. by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 1 - Gonzalez

031807 [Settlement of Lawsuit - Teresa Lau]

Ordinance authorizing settlement of the lawsuit filed by Teresa Lau against the City and County of San Francisco for \$93,500; the lawsuit was filed on September 27, 2001 in San Francisco Superior Court, Case No. 324-939; entitled Teresa Lau, et al., v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

11/3/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Cheryl Adams, Deputy City Attorney.

RECOMMENDED.. by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 1 - Gonzalez

Report on Closed Session

Deputy City Attorney Ted Lakey reported that the Rules Committee has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) and Administrative Code Section 67.8 (3), for the purpose of conferring with, or receiving advice from, the City Attorney regarding settlements in the lawsuits or claims listed above.

[Elect Not to Disclose]

Motion that the Committee finds that it is in the best interest of the public that the Committee elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.

Unanimous vote not to disclose discussion to the public by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 1 - Gonzalez

ADJOURNMENT

The meeting adjourned at 11:33 a.m.



City and County of San Francisco

Meeting Minutes

Rules Committee

Members: Tony Hall, Bevan Dufty and Matt Gonzalez

Clerk: Deborah Muccino

City Hall
1 Dr. Carlton B
Goodlett Place
San Francisco, CA
94102-4689

Wednesday, December 10, 2003

9:30 AM

City Hall, Room 263

Regular Meeting

Members Present: Tony Hall, Bevan Dufty, Aaron Peskin.

Members Absent: Matt Gonzalez.

MEETING CONVENED

The meeting convened at 9:46 a.m. Board President Gonzalez appointed Supervisor Peskin to serve on the Rules Committee for today's meeting only.

031864 [Appointment, Public Utilities Commission]

Motion approving the Mayor's appointment of Ryan Brooks to the Public Utilities Commission, for the term ending January 15, 2004. (Mayor)

Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed.

Transmittal date - November 20, 2003.

11/20/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Ryan Brooks; John Jenkel; Marvin Norman; David Pilpel.

RECOMMENDED.. by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 2 - Gonzalez, Peskin

031865 [Appointment, Public Utilities Commission]

Motion rejecting the Mayor's appointment of Ryan Brooks to the Public Utilities Commission. (Mayor)

11/20/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Ryan Brooks; John Jenkel; Marvin Norman; David Pilpel.

FILED by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 2 - Gonzalez, Peskin

DOCUMENTS DEPT

DEC 12 2003

SAN FRANCISCO
PUBLIC LIBRARY

031896 [Appointment, Public Utilities Commission]

Motion taking no position concerning the Mayor's appointment of Ryan Brooks to the Public Utilities Commission, for term ending January 15, 2004. (Mayor)

11/20/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Ryan Brooks; John Jenkel; Marvin Norman; David Pilpel.

FILED by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 2 - Gonzalez, Peskin

031576 [Appointment]

Hearing to consider appointing six members to the Asthma Task Force.

6 seats being considered

Vacant seat, succeeding Ann Togia, resigned, seat 1, must be a representative of a community-based organization that provides advocacy related to asthma issues in San Francisco and is a voting member; for the unexpired portion of a two year term ending June 30, 2005.

Vacant seat, succeeding Carla Furtado, resigned, seat 11, must be a representative of MediCal Managed Care Insurers and is a voting member, for the unexpired portion of a two year term ending June 30, 2005.

Vacant seat, new position, seat 12, must be a representative of MediCal Managed Care Insurers and is a voting member, for the unexpired portion of a two year term ending June 30, 2005.

Vacant seat, succeeding Jennifer Mann, seat 20, must be a representative of the Department of Public Health and is a voting member, for the unexpired portion of a two year term ending June 30, 2005.

Vacant seat, new position, seat 21, must be an individual who represents property interests (non-voting member), for the unexpired portion of a two year term ending June 30, 2005.

Vacant seat, succeeding Michael Walter Green, seat 22, must be an individual who represents tenant interests (non-voting member), for the unexpired portion of a two year term ending June 30, 2005.

9/16/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: LeConte Dill. Appointment of LeConte Dill seat 1, and Gloria Thornton seat 11, recommended. Seats 12, 20, 21, and 22 unfilled.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing LeConte Dill and Gloria Thornton, terms ending June 30, 2005 to the Asthma Task Force. Residency requirement waived.

LeConte Dill, (residency requirement waived) succeeding Ann Togia, resigned, seat 1, must be a representative of a community-based organization that provides advocacy related to asthma issues in San Francisco and is a voting member; for the unexpired portion of a two year term ending June 30, 2005.

Gloria Thornton, succeeding Carla Furtado, resigned, seat 11, must be a representative of MediCal Managed Care Insurers and is a voting member, for the unexpired portion of a two year term ending June 30, 2005.

RECOMMENDED.. by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 2 - Gonzalez, Peskin

031534 [Appointment]

Hearing to consider appointing one member to the Golden Gate Bridge, Highway and Transportation District.

1 seat being considered

Vacant seat, succeeding Robert McDonnell, deceased, seat 2, represents public at large, subject to review and affirmation by the Board of Supervisors in January of each odd-numbered year, for the unexpired portion of a two-year term ending January 31, 2005.

9/9/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: F.X. Crowley; Clement DeAmicis; Sabrina Hernandez; Larry Mazzola; Kevin Hughes; John O'Rourke; Larry Lee; Jim Salinas; John Crowley; David Pilpel; Doug Yamamoto.

Appointment of F.X. Crowley seat 2, recommended.

PREPARED IN COMMITTEE AS A RESOLUTION.

Resolution appointing F.X. Crowley, term ending January 31, 2005, to the Golden Gate Bridge, Highway and Transportation District.

F.X. Crowley, succeeding Robert McDonnell, deceased, seat 2, represents public at large, subject to review and affirmation by the Board of Supervisors in January of each odd-numbered year, for the unexpired portion of a two-year term ending January 31, 2005.

Supervisor Dufty dissenting in committee.

RECOMMENDED.. by the following vote:

Ayes: 2 - Hall, Peskin

Noes: 1 - Dufty

Absent: 1 - Gonzalez

031503 [New administrative debarment procedure]**Supervisor Peskin**

Ordinance adding a new Chapter 28 to the San Francisco Administrative Code to establish a City-wide administrative debarment procedure; amending Chapter 6 of the Administrative Code to reflect the adoption of the new Chapter 28.

8/26/03, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 9/25/2003

Heard in committee. Speakers: Supervisor Aaron Peskin, Sheryl Bregman, Deputy City Attorney.

12/10/03 Amendment of the whole bearing same title.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.**RECOMMENDED AS AMENDED by the following vote:**

Ayes: 2 - Hall, Dufty

Absent: 2 - Gonzalez, Peskin

Conference with City Attorney

[Convene in Closed Session - Existing Litigation - City as Plaintiff and/or Defendant]

Motion that the Rules Committee of the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following existing lawsuits and claims in which proposed settlements are being considered by the Committee. Government Code 54956.9(a) and San Francisco Administrative Code Section 67.10(d) permit this closed session. Discussion in open session concerning these matters would likely and unavoidably prejudice the position of the City in the pending lawsuits and/or claims listed below.

Unanimous vote to convene in closed session by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 2 - Gonzalez, Peskin

031855 [Settlement of Lawsuit - Poppie Kouremetis]

Ordinance authorizing the settlement of lawsuit filed by Poppie Kouremetis against the City and County of San Francisco for \$95,000; the lawsuit was filed on May 13, 2002, in San Francisco Superior Court and was removed to United States District Court, Case No. C02-02980 MEJ, entitled Kouremetis v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

11/17/03, RECEIVED AND ASSIGNED to Rules Committee

Heard in committee. Speakers: Cheryl Adams, Deputy City Attorney; Ted Lakey, Deputy City Attorney.

RECOMMENDED.. by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 2 - Gonzalez, Peskin

031912 [Settlement of Lawsuit - Leo Rivkin]

Ordinance authorizing settlement of the lawsuit filed by Leo Rivkin against the City and County of San Francisco for \$110,000; the lawsuit was filed on February 22, 2001 in San Francisco Superior Court, Case No. 319-085; entitled Leo Rivkin, et al., v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

11/24/03, RECEIVED AND ASSIGNED to Rules Committee

Heard in committee. Speakers: Cheryl Adams, Deputy City Attorney.

RECOMMENDED.. by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 2 - Gonzalez, Peskin

031913 [Settlement of Lawsuit - Janet Prieto]

Ordinance authorizing settlement of the lawsuit filed by Janet Prieto against the City and County of San Francisco for \$85,000; the lawsuit was filed on January 2, 2002 in the San Francisco Superior Court, Case No. 403048; entitled Janet V. Prieto v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

11/24/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Cheryl Adams, Deputy City Attorney.

RECOMMENDED.. by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 2 - Gonzalez, Peskin

031946 [Settlement of Lawsuit - Billy Clark]

Ordinance authorizing settlement of the lawsuit filed by Billy Clark against the City and County of San Francisco for \$50,000; the lawsuit was filed on November 16, 2001 in San Francisco Superior Court, Case No. 401-372; entitled Billy Clark v. City and County of San Francisco, et al. (City Attorney)

(Public Benefit Recipient.)

12/1/03, RECEIVED AND ASSIGNED to Rules Committee.

Heard in committee. Speakers: Cheryl Adams, Deputy City Attorney.

RECOMMENDED.. by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 2 - Gonzalez, Peskin

Report on Closed Session

Deputy City Attorney Ted Lakey reported that the Rules Committee has met in closed session with the City Attorney, under the provisions of Government Code Section 54956.9 (a) and Administrative Code Section 67.8 (3), for the purpose of conferring with, or receiving advice from, the City Attorney regarding settlements in the lawsuits or claims listed above.

[Elect Not to Disclose]

Motion that the Committee finds that it is in the best interest of the public that the Committee elect at this time not to disclose its closed session deliberations concerning the anticipated litigation listed above.

Unanimous vote not to disclose discussion to the public by the following vote:

Ayes: 2 - Hall, Dufty

Absent: 2 - Gonzalez, Peskin

ADJOURNMENT

The meeting adjourned at 11:46 a.m.

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

NOTICE OF CANCELLED MEETING

DOCUMENTS DEPT.

RULES COMMITTEE

DEC 12 2003

SAN FRANCISCO BOARD OF SUPERVISORS

SAN FRANCISCO
PUBLIC LIBRARY

12-12-03 4:53 PM

NOTICE IS HEREBY GIVEN that the meetings of the Rules Committee
scheduled for December 17, 24, and 31st at 9:30 a.m., at 1 Dr. Carlton B. Goodlett
Place, Room 263, City Hall, San Francisco, California, have been **cancelled**.

Gloria L. Young, Clerk of the Board

★ HOUCHEN ★
★ BINDERY LTD ★
★ UTICA/OMAHA NE. ★
2004

